

Report on the

BOARD OF PHYSICAL THERAPY

Montgomery, Alabama



Department of Examiners of Public Accounts

**50 North Ripley Street, Room 3201
P.O. Box 302251
Montgomery, Alabama 36130-2251**

Ronald L. Jones, Chief Examiner

State of Alabama
Department of
Examiners of Public Accounts

Telephone (334) 242-9200
FAX (334) 242-1775

Ronald L. Jones
Chief Examiner

Mailing Address:
P.O. Box 302251
Montgomery, AL 36130-2251

Location:
Gordon Persons Building
50 North Ripley Street, Room 3201
Montgomery, AL 36104-3833

September 8, 2004

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130


Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Physical Therapy** in accordance with the ***Code of Alabama 1975***, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Physical Therapy**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,


Ronald L. Jones
Chief Examiner

CONTENTS

PROFILE	1
Purpose/Authority	1
Board Characteristics	1
Operations	2
Financial Information	3
SIGNIFICANT ITEMS	3
STATUS OF PRIOR FINDINGS	4
ORGANIZATION	4
PERSONNEL	4
PERFORMANCE CHARACTERISTICS	5
FINANCIAL INFORMATION	6
Schedule of Fees	6
Schedule of Cash Receipts, Disbursements, and Balances	7
Receipts v. Operating Disbursements	8
QUESTIONNAIRES	9
Board Members	9
Physical Therapists	11
Physical Therapist Assistants	14
Complainants	17
APPENDICES	19
Administrative Code	20
Statutes	49
Board Members	62

PROFILE

Purpose/Authority

The Board of Physical Therapy licenses and regulates the practice of physical therapy in Alabama. The board operates under the authority of the *Code of Alabama 1975*, Sections 34-24-190 through 34-24-217.

Board Characteristics:

Members	7
Term	5 year staggered term. No member can serve more than two consecutive terms
Selection	Appointed by the governor from a list of five persons for each vacancy nominated by current licensees
Qualifications	Resident of Alabama 4 licensed physical therapist 2 licensed physical therapist assistants 1 consumer Practiced as physical therapist or physical therapist assistant for three years preceding appointment
Minority Race Representation	No specific statutory requirement 1 minority race member
Geographical Representation	When possible no two members from the same Congressional District
Consumer Representation	1 consumer member
Other Representation	The board must reflect the racial, gender, geographic, urban/rural and economic diversity of the state
Compensation	\$150.00 per day plus reimbursement for travel expenses at the same rate provided state employees

Operations

Administrator	Kathryn Brown, Executive Director Annual salary \$46,402.20 Appointed by the board
Location	100 North Union Street, Suite 627 Montgomery, Alabama 36130-5040
Type of License	Physical Therapist Physical Therapist Assistant
Renewal	Annually, before October 1
Examinations	Computer based testing administered by a national testing service
Continuing Education	Physical Therapist – 10 hours annually Physical Therapist Assistant – 6 hours annually
Reciprocity	Yes
Employees	2
Legal Counsel	Stephen N. Dodd, Assistant Attorney General
Subpoena Power	Yes
Internet Presence	http://www.pt.state.al.us <ul style="list-style-type: none">• Information about the board• Calendar listing board meeting dates and location• Licensing requirements• Rules and Regulations• Continuing Education• Forms• Roaster of Licensees• Newsletter• Complaint form and procedures

Financial Information

Source of Funds	Licensing fees
State Treasury	Yes
Unused Funds	Retained by the board

SIGNIFICANT ITEMS

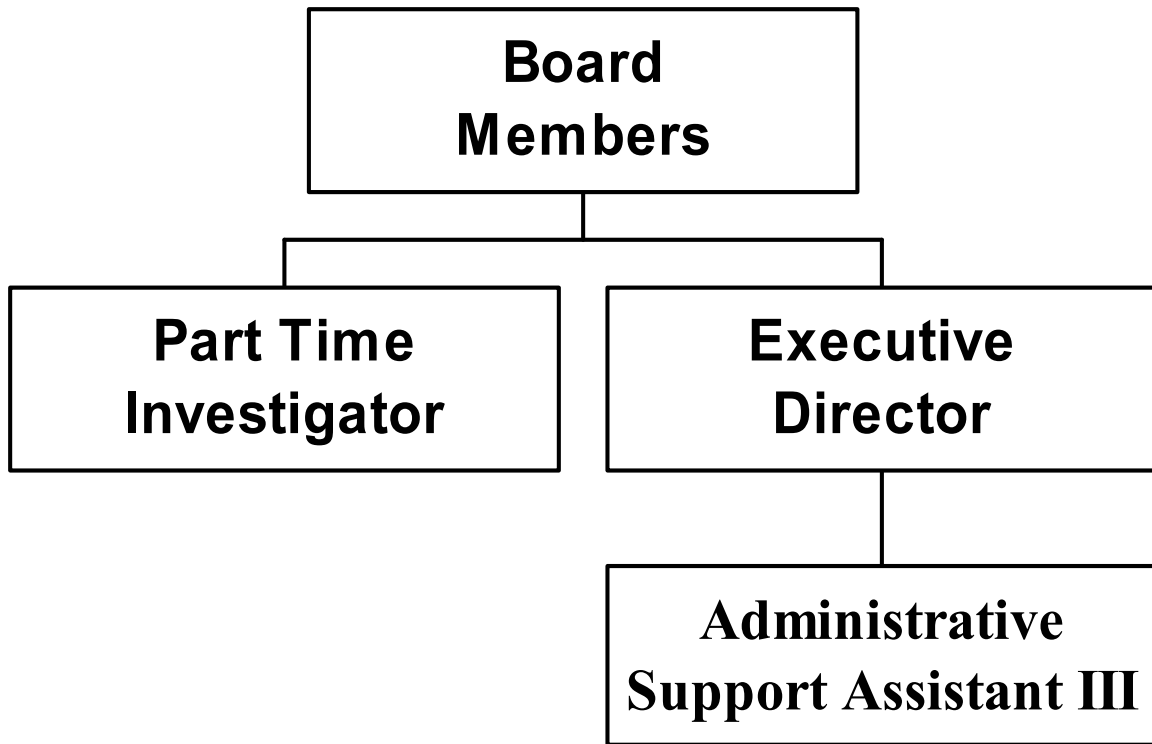
1. **Lack of direct access to physical therapy services in Alabama is a concern to board members and licensees.** Current law does not allow patients direct access to physical therapy services. Physician referral is required. Two of four board members and 25 of the 90 licensees responding to a questionnaire were concerned about this issue.
2. **Congressional district representation on the board is at odds with licensee and consumer representation.** The board's composition was changed in 2001 from four physical therapists and one physical therapist assistant to four physical therapists, two physical therapist assistants and one consumer member. Each member serves a five-year term, with at least one term expiring each year. The two new members' terms began by law in 2001 and in 2002 and will expire in 2006 and 2007, along with the terms of two physical therapist members. The *Code of Alabama 1975*, Section 34-24-192 provides that "When possible, no two members of the board shall be residents of the same congressional district". After April 19, 2001, as each member member's term expired, the board was required by law to provide a method of nominating members to the board so that each congressional district in the state was represented. By strongly encouraging nominations for vacancies from districts not represented, the board achieved congressional district representation.

Under this statutory scheme, if full congressional district representation is maintained alongside compliance with the number and type of members required by law, the type of member (physical therapist, physical therapist assistant, or consumer) that could be selected to fill any vacancy would be restricted. Representation from three congressional districts would forever be limited to the same type of member. Physical therapist members' whose terms expire in 2004 and 2005 would have to be replaced with physical therapists. The physical therapist assistant whose term expires in 2008 would have to be replaced with a physical therapist assistant. Representation from the congressional district in which the member's term expires in 2006 would have to be either a physical therapist or a consumer (no physical therapist assistant). Representation from the congressional district in which the member's term expires in 2007 would have to be either a physical therapist or a physical therapist assistant (no consumer).

STATUS OF PRIOR FINDINGS

All prior findings have been resolved.

ORGANIZATION



PERSONNEL

Schedule of Employees

Classification	2004	Race/Gender	Classification
Executive Director	1	White/female	Merit/Unclassified
ASA III	1	White/female	Merit/Classified
Part-Time Investigator	1	White/Male	Contract (1)

(1) Investigates complaints regarding physical therapy licensees - \$30 per hour plus mileage and overnight lodging – Maximum contract amount \$10,000.

PERFORMANCE CHARACTERISTICS

1. **Number of Licensees per Full-time Employee** – 1,459

2. **Total Expenditures per Licensee** – \$58.70

3. **Number of Persons per Licensee in Alabama and Surrounding States**

	<u>Population Data</u>	<u>Licensees</u>	<u>Persons per Licensee</u>
Alabama	4,447,100	2,918	1,524
Florida	15,982,378	14,117	1,132
Georgia	8,186,453	4,989	1,641
Mississippi	2,844,658	1,775	1,603
Tennessee	5,689,283	8,527	667

4. **Notification to Licensees of Board Decisions to Amend Administrative Rules**

The board complies with procedures prescribed in the Administrative Procedure Act. Public hearings are held on proposed rules and the rules are included in the Administrative Monthly.

5. **Complaint Resolution**

Anonymous complaints are not acknowledged. Complaints are first reviewed by the board chairman to determine if an investigation is warranted. According to staff, the average length of time to resolve a complaint is from six months to a year.

Number of Complaints

<u>Fiscal Year</u>	<u>Complaints</u>	<u>Number Resolved</u>
2004	9	4
2003	13	11
2002	27	26
2001	26	26

FINANCIAL INFORMATION

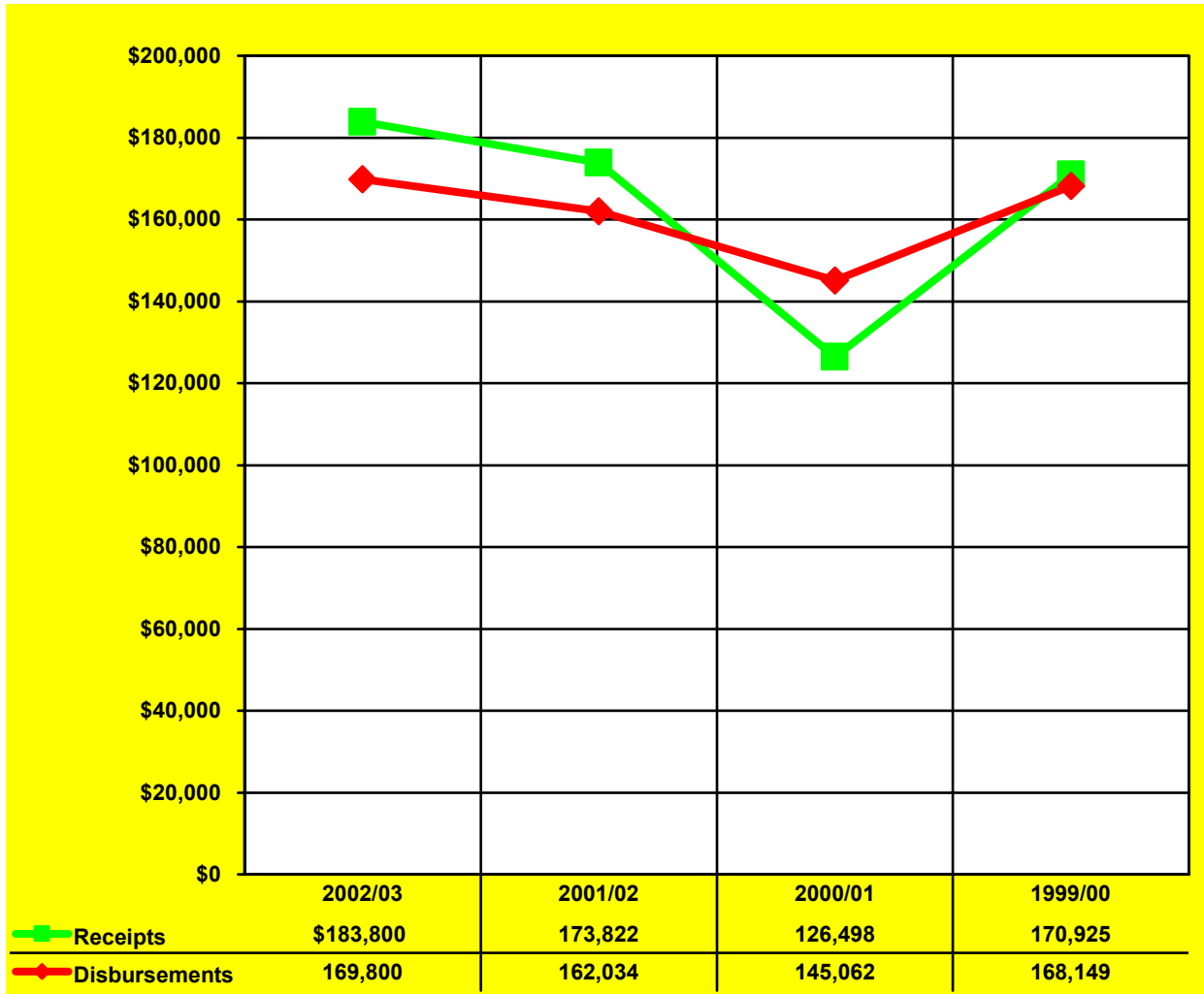
Schedule of Fees **(The board sets all fees)**

Fee Type	\$ Fee	<i>Code of Alabama 1975</i> Section
Application Fee	110.00	34-24-211
Examination Fee	285.00	34-24-212
Annual Renewal (Therapist)	70.00	34-24-216
Annual Renewal (Therapist Assistant)	50.00	34-24-216
Restoration of Certificate	50.00	34-24-216
Verification of Alabama Licensure to Another Agency	15.00	34-24-193 (b)
Directory of Licensees – Physical Therapists	50.00	34-24-193 (a)
Physical Therapist Assistants	50.00	34-24-193 (a)

Schedule of Cash Receipts, Disbursements, and Balances

	<u>2003/02</u>	<u>2002/01</u>	<u>2001/00</u>	<u>2000/99</u>
<u>Receipts</u>				
License Fees	\$180,975.00	\$173,015.00	\$125,995.00	\$170,647.29
Penalties	2,750.00	800.00	502.96	259.57
Miscellaneous Fees	75.00	7.20		18.75
Total	<u>183,800.00</u>	<u>173,822.20</u>	<u>126,497.96</u>	<u>170,925.61</u>
<u>Disbursements</u>				
Personnel Costs	88,704.60	76,592.10	71,179.70	70,615.80
Employee Benefits	21,294.01	19,074.94	17,481.19	16,225.99
Travel In-State	6,449.52	4,745.78	4,883.62	4,781.22
Travel out-of-State	9,992.01	9,045.89	5,210.88	5,986.80
Repairs and Maintenance		613.75	2,000.00	215.74
Rentals and Leases	14,997.58	14,429.51	14,845.73	13,952.32
Utilities and Communications	10,651.88	6,071.19	6,952.52	9,147.15
Professional Services	8,483.39	14,349.09	13,929.49	35,952.56
Supplies, Materials and Operating Expenses	10,110.16	13,553.26	8,579.35	10,032.04
Other Equipment Purchases	577.71	3,558.96		1,239.46
Total	<u>171,260.86</u>	<u>162,034.47</u>	<u>145,062.48</u>	<u>168,149.08</u>
Excess (Deficiency) of Receipts Over Disbursements	12,539.14	11,787.73	(18,564.52)	2,776.53
Cash Balance at Beginning of Year	<u>370,760.98</u>	<u>358,973.25</u>	<u>377,537.77</u>	<u>374,761.24</u>
Cash Balance at End of Year	383,300.12	370,760.98	358,973.25	377,537.77
Reserved for Obligations	(28,232.57)	(35,242.76)	(41,328.92)	(37,890.71)
Unobligated Cash Balance at the Year-End	<u>\$355,067.55</u>	<u>\$335,518.22</u>	<u>\$317,644.33</u>	<u>\$339,647.06</u>

Receipts v. Operating Disbursements



QUESTIONNAIRES

Board Members

Questionnaires were sent to 7 board members, 4 responded.

1. What are the most significant issues currently facing the Board of Physical Therapy and how is the Board addressing these issues?
 - The lack of direct access.
 - Physician owned physical therapy (POPTS) are spreading rapidly in Alabama. Currently there is no regulation to prohibit this. A physician has a fiduciary responsibility to their patients and when a physician receives financial gain for ordering services for that patient, a clear conflict of interest exists which should be prohibited. Studies show a higher utilization, higher cost, and poorer quality when POPTS are used and this is why Florida, Georgia, and Tennessee as well as many other states prohibit such referrals. Alabama law not allowing patients direct access to physical therapy services without a physician referral is another significant issue. Currently, Alabama is one of only two states without direct access. Our Board is working with the Physical Therapy State and National Associations to develop a legislative strategy but no bill has been introduced as of yet.
 - Direct access of physical therapist. Review of national & federal standards on this. Physician Owned Physical Therapy Services. Support APTA stance and review legality. Foreign trained physical therapist language barriers. Change Test of Spoken English (TOSF) score. Examination fraud.
2. What changes to the Board of Physical Therapy laws are needed?
 - Direct access to physical therapy
 - A law to allow direct access.
 - Language to address the two items presented in question #1. Changes made at the last Sunset Review required all 7 districts to be represented on the Board and the Board composition to be a total of seven Board members with 4 PTs, 2 PTAs, and one consumer. This mix has now been achieved but adherence to the law now creates a situation where PTAs from 5 districts will never be eligible to serve on the Board, PTs from 3 districts will never be eligible to serve on the Board, and consumer members from 6 districts will never be eligible to serve on the Board. This needs to be changed.

3. Is the Board of Physical Therapy adequately funded?

4 Yes

0 No

0 Unknown

0 No Opinion

4. Is the Board of Physical Therapy adequately staffed?

4 Yes

0 No

0 Unknown

0 No Opinion

- Could use additional staff on a temporary basis during licensure renewals.

5. What is the purpose of your fiscal year end balance of unobligated funds?

- The unobligated funds provide adequate “savings” for unexpected expenses, i.e. significant lawyer fees or drop in licensure revenues.
- To provide a fund for unexpected legal fees in case the Board is sued, and against a possible financial shortfall in any 1-2 year period.
- To provide a fund for significant unexpected legal fees in case the Board is sued and also to provide a buffer against a possible financial shortfall if any given 1-2 year period so that the Board is not having to frequently change licensure fees and can wait to be sure a consistent trend of insufficient funds is present before we raise licensure fees.
- To cover unexpected added board member cost and the relocation to larger accommodations to meet the Boards and members needs.

Physical Therapists

Questionnaires were sent to 100 physical therapist licensees. Fifty-one responded.

1. Do you think regulation of your profession by the Board of Physical Therapy is necessary to protect public welfare?

50 Yes 2 No 0 Unknown 1 No Opinion

2. Do you think any of the Board of Physical Therapy laws, rules, and policies are an unnecessary restriction on the practice of your profession?

5 Yes 45 No 2 Unknown 1 No Opinion

- Some what – some laws, rules do not seem necessary

3. Do you think any of the Board of Physical Therapy requirements are irrelevant to the competent practice of your profession?

4 Yes 45 No 4 Unknown 0 No Opinion

4. Are you adequately informed by the Board of Physical Therapy of changes to and interpretations of Board of Physical Therapy positions, policies, rules and laws?

34 Yes 14 No 4 Unknown 1 No Opinion

- For the most part I feel like we are informed

5. Has the Board of Physical Therapy performed your licensing and renewal in a timely manner?

53 Yes 0 No 0 No Opinion

6. Do you consider mandatory continuing education necessary for competent practice?

46 Yes 6 No 0 Unknown 1 No Opinion

7. Has the Board of Physical Therapy approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

50 Yes 1 No 1 Unknown 1 No Opinion

- Have not approved enough online providers; this is a hardship for traveling PT's

- Even when a course is not pre-approved the Board will approve a course when sent proper documentation.
 - Fair
 - Could have more pediatric courses
8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Physical Therapy doing to address the issue(s)?
- Direct Access – lobby
 - Medicare regulation on reimbursement - APTA is involved in process
 - Being able to screen a patient without a Dr's order
 - Need to improve the investigation process. There is a great need for more than one investigator. There are too many facilities that are not practicing according to the state law. No one is going to turn someone in to the State Board for fear of retribution.
 - Managed care issues
 - Affordable, accessible graduate education
 - Direct access
 - Reimbursement for competent service
 - Universal licensure: if there truly is a PT shortage then would allow PT's to travel more easily between states. I don't think anybody is doing anything about this.
 - The most significant issues facing the physical therapy profession in Alabama are direct access and the emergence of the doctor of PT (DPT) degree. I don't know what the PT Board is doing to address these issues, but they most certainly will affect our practice act and the PT Board's job of enforcing the act.
 - Unlicensed, unqualified, non PT/PTA's providing services calling it (billing it) as P.T. The Board has consistently protected our profession.
 - Shortage of PT staff in rural areas & small towns.
 - Funding/insurance coverage ~ lobbying
 - Clarification of laws – they have done this well
 - Direct access.
 - The need for practice without a physician's referral. I don't know what the Board is doing. I'm aware of the APTA activities on this issue.
 - Direct access
 - Issues related to reimbursement for PT services
 - MD ownership of PT practices (POPTS). Nothing
 - Nonprofessionals practicing physical therapy
 - Limitations set by insurance companies rather than patient needs
 - Direct access – promoting it
 - Chiropractor referrals – denying them
 - Part B Medicare cap – Nothing
 - Physician owned PT clinics. Join APTA in stopping it!!!

- Direct access – I am unaware of anything being done at this time.
- Insurance reimbursement decline
- Direct access – I'm not sure
- Obtaining direct access for PT's
- We need direct access for patients - Evaluation & treatment without physician referral
- Alabama is one of the last states in the US to not have some type of direct access
- Licensure of foreign trained therapist – Board has done a good job of ensuring public safety by making licensure rules more stringent.
- Long term budget
- Increasing demand for PT's
- Reimbursement
- Free access – Board supports monitoring illegal practitioners – Board polices – investigates misuse of physical therapy as defined by legislature- Board actions here are absolutely critical
- Direct access – the ability of a patient to go to a physical therapist without doctors orders. I'm not sure if they are doing anything to help get this access to therapy.
- Reimburse & fee caps for services
- Direct access – I feel that the AL Board does a good job in asking its members to respond to their representatives on these and other issues affecting our profession.

9. Do you think the Board of Physical Therapy and its staff are satisfactorily performing their duties?

43 Yes 1 No 9 Unknown 0 No Opinion

- Board no, staff yes
- At times the staff seemed annoyed when licensees call Montgomery.

10. Has any member of the Board of Physical Therapy or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board of Physical Therapy service for you?

0 Yes 53 No 0 Unknown 0 No Opinion

- The above needs to be addressed to all physical therapist who may be in positions to offer something of value in order to benefit themselves. This is now & always has been illegal, unethical and unprofessional.
- Any attempt to do away with this Board is by someone who wants to illegally take over what P.T. does.

Physical Therapist Assistants

Questionnaires were sent to 100 physical therapist licensees. Thirty-nine responded.

1. Do you think regulation of your profession by the Board of Physical Therapy is necessary to protect public welfare?

38 Yes 1 No Unknown No Opinion

- Absolutely

2. Do you think any of the Board of Physical Therapy laws, rules, and policies are an unnecessary restriction on the practice of your profession?

6 Yes 29 No 3 Unknown 1 No Opinion

- I feel that it is unnecessary to require PT's to sign off on a PTA's note. I feel that if this has to be done I am not competent enough to do the job.
- Not necessary to have "physician referral" limits PT access & physical therapy intervention
- Direct access

3. Do you think any of the Board of Physical Therapy requirements are irrelevant to the competent practice of your profession?

6 Yes 30 No 1 Unknown 2 No Opinion

- I feel that it is unnecessary to require PT's to sign off on a PTA's note. I feel that if this has to be done I am not competent enough to do the job.
- Irrelevant to have "physician referral" requirement. PT's being educated adequately for PT direct access to physical therapy intervention.

4. Are you adequately informed by the Board of Physical Therapy of changes to and interpretations of Board of Physical Therapy positions, policies, rules and laws?

30 Yes 8 No 1 Unknown No Opinion

- Website & business meetings

5. Has the Board of Physical Therapy performed your licensing and renewal in a timely manner?

38 Yes 1 No No Opinion

Physical Therapist Assistants Questionnaire

6. Do you consider mandatory continuing education necessary for competent practice?

33 Yes 5 No 1 Unknown No Opinion

- Many if the in depth courses are not affordable.

7. Has the Board of Physical Therapy approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

32 Yes 2 No 4 Unknown 1 No Opinion

- They do not recognize courses less than 1 hour that we could obtain at our facility that could add up to our required hours.

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Physical Therapy doing to address the issue(s)?

- Job opportunities! Job security – Reimbursement with instances, especially BC/BS and Medicare. I think the Board is aware of the problem.
- Lack of jobs. I'm not sure the Board can do much about except help schools understand this may not be best.
- Medicare issues
- BC reimbursements
- Medicare restrictions & fact that PTA's cannot provide HH visits for BC/BS & Tri-Care insurance doesn't recognize PTA's to provide therapy
- Relinquishing power & providing of services to chiropractors & physician owned therapy services. Hopefully enacting legislation to protect our profession.
- Payment issues, acceptance of assistants as competent therapist, being able to provide adequate therapy to children.
- Medicare issues/ max allowances
- BC/BS not permitting PTA's to make home health visits.
- Tri-Care requiring RPT to treat their patients.
- PTA issues & HMO insurances – I have no info on whether or not you are addressing this issue
- Direct access
- Lobbying
- Need for direct access to physical therapy

Physical Therapist Assistants Questionnaire

- Need more classes offered in the Mobile area
- Relationship between LPTA – RPT
- Clearly stating guidelines in the State Practice Act
- Direct Access
- Lacks patient direct access & physical therapist
- A Board working with AL APTA (professional organization) to enact relevant changes
- The volume business that PT has become instead of being an individual that prescribe cookie cutter treatment. The Board is doing nothing.
- Direct access to physical therapy
- Medicare cap
- Direct access for PT in the state of Alabama – not sure what they are doing for it
- Direct access
- Fraudulent home health care therapist billing for visits they don't do nothing
- Insurance policies & procedures (Medicare for one)
- The most significant issue to me is lack of quality patient treatment time. In to many different situations I have seen quantity instead of quality treatment. Due to making a dollar!
- Direct access
- It was the Medicare restrictions/limitations but the cap has been lifted
- Medicare

9. Do you think the Board of Physical Therapy and its staff are satisfactorily performing their duties?

33 Yes No 6 Unknown 1 No Opinion

10. Has any member of the Board of Physical Therapy or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board of Physical Therapy service for you?

Yes 39 No Unknown No Opinion

- Mrs. Kathryn has been a great help to me during an illness that made it impossible to complete my CEU's on time I appreciate her very much!

Complainants

Questionnaires were sent to 34 complainants. Thirteen responded.

1. Was your complaint filed with the Alabama Board of Physical Therapy by:

9 Mail 1 Phone 0 Fax 1 Other 1 Unknown

2. Was receipt of your complaint promptly acknowledged?

10 Yes 2 No 0 Unknown

If yes, approximately how long after you filed your complaint were you contacted by the Alabama Board of Physical Therapy?

1 Immediately 3 Within 10 days 3 Within 20 days
2 Within 30 days 2 More than 30 days 0 Did not respond 1 Unknown

- Don't remember but it was reasonable.
- 3 months

3. Was the employee who responded to your complaint knowledgeable and courteous?

10 Knowledgeable 7 Courteous 2 Neither 0 Unknown

4. Did the Alabama Board of Physical Therapy communicate the results of investigating your complaint to you?

9 Yes 1 No 1 Unknown

5. Do you think the Alabama Board of Physical Therapy did everything it could to resolve your complaint?

5 Yes 4 No 1 Unknown

- I am not sure of the extent they can go to investigate the type complaint I had.

6. Were you satisfied with your dealings with the Alabama Board of Physical Therapy?

9 Yes

3 No

0 Unknown

- With the Board but not the results.
- It took a year & ½ to get a letter stating nothing was found. This investigators lack of action is why the P.T. system is in such a mess and out of control. No standards at all.
- I do not recall making any complaints to the Board.

APPENDICES

Administrative Code

CHAPTER 700-X-1. ORGANIZATION, ADMINISTRATION AND PROCEDURE

700-X-1-.01. Purpose. [AL ADC 700-X-1-.01]

Current through December 31, 2003

The Alabama Board of Physical Therapy was created to ensure that the public is protected from the incompetent practice of physical therapy. This purpose is achieved through the establishment of minimum qualifications for entry into the profession, through the adoption of rules defining and delineating unlawful conduct, and through swift and effective discipline for those practitioners who violate the applicable laws or rules promulgated thereunder. The Board may, at its discretion, conduct scheduled or unscheduled inspections of facilities in which physical therapists practice to determine compliance with applicable statute/regulation.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake
Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed December 5, 1995; effective January 9, 1996.

700-X-1-.02. Composition And Selection Of Board. [AL ADC 700-X-1-.02]

Current through December 31, 2003

(1) The Board of Physical Therapy shall consist of seven members who meet the qualifications set out in Code of Ala. 1975, § 34-24-192(b), appointed by the Governor from a list of five persons nominated for each place on such Board by the current licensees and certified to him by the Board. For the purpose of preparing the list of five names, the Board shall conduct an annual meeting at which all physical therapists and physical therapist assistants holding a current license as identified under the provisions of this act shall have the right to attend, nominate, and vote. Nominations may be made from the floor, or mailed to the Board to be received no later than two weeks prior to the nominations/election meeting. Late nominations will not be accepted. Written, signed consent of each nominee is required. The Board will select the date, time, and place of the meeting at which nominations and voting will be accomplished. All licensees will be notified at least 30 days prior to said meeting.

(2) In the event of a vacancy prior to the next meeting, the Governor will fill such vacancy from the remaining names on the list. Board members shall be appointed for staggered terms of five years each, so that at least one member's term expires each year. No person shall be appointed for more than two consecutive terms. Four members shall be physical therapists, two members shall be physical therapist assistants, and one member shall be a consumer.

(3) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

AUTHORS:

John C. Badenhop; James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Beth Curry
Dozier; Herbert R. Caillouet; Olivia J. Box; Sonja Farrell; John C. Cormier
Code of Ala. 1975, §§ 34-24-192, 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed September 6, 1985; November 29, 1989. **Amended:** Filed May 6, 2002; effective June 10, 2002.

700-X-1-.03. General Description Of Organization And Operation. [AL ADC 700-X-1-.03]

Current through December 31, 2003

The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, secretarial, clerical, and investigative, are paid from legislative appropriation of fees collected by the Board. The attorney general and his assistants provide legal services to the Board.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake
Code of Ala. 1975, § 34-24-193, 34-24-195.

HISTORY:

Filed September 30, 1982.

700-X-1-.04. Officers. [AL ADC 700-X-1-.04]

Current through December 31, 2003

(1) Election.

(a) The Board shall, at the first meeting after the appointment and qualification of any new member, elect a chair, a secretary, and a treasurer, who shall serve until another new member is appointed and qualified, or until new officers are otherwise elected as provided in this rule.

(b) The Board shall elect a chair, secretary, and treasurer upon the petition of a majority of its members.

(c) The Board shall elect a chair, secretary, and treasurer at its annual meeting if an election has not been held since its last meeting.

(2) Compensation and Expenses. Board members shall be compensated on a per diem basis for days actually spent in performance of their duties in an amount that shall be fixed from time to time by resolution of the Board. Additionally, members of the Board shall be reimbursed according to the state travel policy for their other expenses.

AUTHORS:

John C. Badenhop; James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Beth Curry
Dozier; Herbert R. Caillouet; Olivia J. Box; Sonja Farrell; John C. Cormier
Code of Ala. 1975, §§ 34-24-192, 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed September 6, 1985. **Amended:** Filed May 6, 2002; effective June 10, 2002.

700-X-1-.05. Employment Of Personnel. [AL ADC 700-X-1-.05]

Current through December 31, 2003

The Board may employ investigators, inspectors, attorneys and any other agents and employees and assistants as may from time to time be necessary to bring about and maintain a rigid administration and enforcement of the Physical Therapy Practice Act and these rules.

AUTHORS:

James R. Hobbs, Jr.; Anne Harrison; Robert L. Shoemake
Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982.

700-X-1-.06. Executive Director. [AL ADC 700-X-1-.06]

Current through December 31, 2003

The Board shall employ an Executive Director who shall be responsible for the administration of Board policy. The Executive Director is designated as agent for the Board for service of legal process upon the Board. All correspondence to the Board, including requests for information and all submissions and other requests, should be made to the Executive Director at the Board's headquarters as follows:

Executive Director
Alabama Board of Physical Therapy
100 North Union Street, Suite 627
Montgomery, Alabama 36130-5040

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet
Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed May 6, 1996; effective June 10, 1996. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-1-.07. Rules Of Order. [AL ADC 700-X-1-.07]

Current through December 31, 2003

All proceedings of the Board shall be governed by Roberts' Rules of Order, except during disciplinary hearings and except where otherwise provided in these rules.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake
Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982.

700-X-1-.08. Quorum. [AL ADC 700-X-1-.08]

Current through December 31, 2003

A majority of the board members will constitute a quorum.

AUTHORS:

John C. Badenhop; James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Beth Curry Dozier; Herbert R. Caillouet; Olivia J. Box; Sonja Farrell; John C. Cormier
Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed September 6, 1985. **Amended:** Filed May 6, 2002; effective June 10, 2002.

700-X-1-.09. Meetings. [AL ADC 700-X-1-.09]

Current through December 31, 2003

(1) Meetings may be called by the chair or by a quorum of the Board.

(2) Each member of the Board shall be given at least seven days notice of the time, place, and purpose of any regular or special meeting by the chair or the executive director, unless such notice is waived by the individual member or unless such member is present at the called meeting.

(3) The Board shall conduct an annual meeting at which all physical therapists and physical therapist assistants shall have the right to attend, nominate, and vote on persons for positions on the board. Special meetings may be called as necessary.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Beth Curry Dozier; Herbert R. Caillouet; Olivia J. Box; Sonja Farrell; John C. Cormier
Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed May 6, 2002; effective June 10, 2002.

700-X-1-.10. Questions Of Procedure And Evidence. [AL ADC 700-X-1-.10]

Current through December 31, 2003

The chairman of the Board shall, in accordance with these rules, and except as otherwise provided in these rules, rule upon all questions of procedure and, in the event that evidence is taken, on the admissibility of that evidence. The decision of the chairman shall be final.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake
Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982.

700-X-1-.11. Voting. [AL ADC 700-X-1-.11]

Current through December 31, 2003

All members of the Board, including the chair, are entitled to vote and to make or second motions. A majority of those members of the Board present and voting on any matter shall decide that matter before the Board, except on procedural and evidentiary matters which are provided for in Rule 700-X-1-.10. The chairman shall vote as a member of the Board and his/her vote shall count no more than the vote of any other member, except that in the event of a tie vote the chair shall vote again to break the tie.

AUTHOR:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Beth Curry Dozier; Herbert R. Caillouet; Olivia J. Box; Sonja Farrell; John C. Cormier
Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed May 6, 2002; effective June 10, 2002.

700-X-1-.12. Use Of Forms. [AL ADC 700-X-1-.12]

Current through December 31, 2003

All applications and requests for which the Board has prescribed a form must be made on the prescribed form. Specimen forms and instructions used by the Board are found in Appendix A of this code and are a part of this rule. Copies of instructions and forms are available from the executive director.

AUTHOR:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet
Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-1-.13. Records. [AL ADC 700-X-1-.13]

Current through December 31, 2003

(1) "Public Record" for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known by the public. Records which do not constitute "public records" include, but are not limited to, those received by a public officer in confidence, sensitive personnel and licensee records, complaints against licensees, items covered under the Privacy Act, and records the disclosure of which would be detrimental to the best interests of the public.

(2) Specific public records are available for inspection at Board headquarters during regular business hours.

(3) Any person wishing to obtain copies of specific public records may request same from the executive director, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set from time to time by resolution by the Board.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet
Code of Ala. 1975, §§ 34-24-193, 41-22-4(1).

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-1-.14. Directory. [AL ADC 700-X-1-.14]

Current through December 31, 2003

The Board shall make available a directory listing all persons registered or licensed to practice in Alabama as physical therapists or physical therapist assistants. Copies of the directory shall be made available from the executive director upon request and payment of the cost of copying, handling and postage, the costs of which will be set from time to time by resolution of the Board.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet
Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-1-.15. Declaratory Rulings. [AL ADC 700-X-1-.15]

Current through December 31, 2003

(1) The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such rulings shall be issued provided

(a) the petitioner shows that he/she is substantially affected by the rule in question,

(b) sufficient facts are supplied in the request to permit the Board to make a valid determination, and

(c) the request arises from an actual question or controversy.

(2) A request for declaratory ruling must be in writing and must specifically state that it is a "request for declaratory ruling."

(3) Such rulings will be made in accordance with the Alabama Administrative Procedure Act, Section 11.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake
Code of Ala. 1975, § 34-24-193, 41-22-11.

HISTORY:

Filed September 30, 1982.

CHAPTER 700-X-2. LICENSURE

700-X-2-.01 Appropriate Education Required. [AL ADC 700-X-2-.01]

Current through December 31, 2003

(1) United States Educated Applicants. Each applicant for licensure as a physical therapist or physical therapist assistant must have completed a program of physical therapy education appropriate for preparation as a physical therapist or physical therapist assistant, respectively, which is approved by the American Physical Therapy Association's Commission on Accreditation in Physical Therapy Education (CAPTE).

(2) Non-United States Educated Applicants.

(a) Statement of Policy. Foreign educated physical therapist applicants must demonstrate educational equivalency to the United States educated physical therapists in accordance with this rule. Physical therapy education should be broadly based and designed to enable an individual to contribute to society in many ways as a comprehensively educated person as well as to provide specific technical expertise. Consequently, physical therapy education requires a considerable amount of general education as well as professional education in terms of minimum credit and general content.

(b) Submission of Educational Credentials. Foreign educated physical therapist applicants shall submit their education credentials to:

International Credentialing Associates, Inc.
7245 Bryan Dairy Road
Bryan Dairy Business Park II
Largo, FL 33777
Telephone (727) 549-8555

A copy of the evaluation by the credentials evaluating agency must be sent directly to the Board.

(c) Specific Education Requirements. A minimum of the equivalency of 124 semester hours if completed before 2003 and 155 semester hours if completed from 2003 to the present as provided in this rule is required for licensure. The Board shall make the sole judgment in determining whether educational credentials are equivalent and acceptable. An English translated copy of the transcript must be sent directly to the Board from the university.

(d) Applicant must have made acceptable scores on TOEFL, TSE and TWE. Acceptable scores are: TOEFL-220, TSE-60 and TWE-4.5.

1. General Education Requirements. Applicants must demonstrate that they have earned the equivalent of a minimum of 62 semester hours in general education, including the following:

(i) Humanities--a minimum of 10 semester hours which must include the equivalent of spoken and written English and may include art, music, drama, speech, languages, etc.

(ii) Social Sciences--a minimum of 8 semester hours which must include psychology and may include history, sociology, government, etc.

(iii) Natural Sciences--a minimum of 12 semester hours which must include physics and chemistry and may include mathematics, geology, etc.

(iv) Biological Sciences--a minimum of 12 semester hours which must include human anatomy and physiology and may include biology, zoology, etc.

(v) Limited Electives--a minimum of 10 semester hours in social sciences, natural sciences and biological sciences in addition to those minimums required above.

(vi) General Electives--a minimum of 10 semester hours which may include any subjects selected outside the major area of study.

2. Professional Education Requirements. Applicants must demonstrate that they have earned the equivalent of a minimum of 62 semester hours in physical therapy education, if completing their

education before 2003 and 93 semester hours if completing their education from 2003 to the present. This education shall include the following:

(i) Basic Health Sciences--a minimum of 22 semester hours if completing their education before 2003, and 28 semester hours if completing their education from 2003 to the present. These Basic Health Sciences must include human anatomy and physiology; should include functional anatomy, kinesiology, pathology, neurology, abnormal psychology; and may include embryology, histology, pharmacology, etc.

(ii) Clinical Sciences--a minimum of 26 semester hours if completing their education before 2003, and 45 semester hours if completing their education from 2003 to the present. These Clinical Sciences must include physical therapy theory, techniques and interventions; should include clinical medicine, development; and may include community health, research, administration, etc.

(iii) Clinical Education--a minimum of 14 semester hours if completing their education before 2003, and 20 semester hours if completing their education from 2003 to the present. This Clinical Education must include supervised clinical application of physical therapy theory, procedures, etc.

(iv) Proof of licensure in country in which physical therapy education was completed.

(d) Educational Deficiencies. In the event of deficiencies in an educational program evaluation the individual may petition the Board for recommendations to remedy the deficiencies. The Board in considering a petition for remedy of deficiencies is not obligated to provide any other assistance than a response.

AUTHORS:

Anne H. Harrison, Donald L. Hiltz, Robert L. Shoemake, Danny F. Sutter, Janice M. Goodwin,
Herbert R. Caillouet, Bernard Harris

Code of Ala. 1975, §§ 34-24-212; 34-24-193; 34-24-216.

HISTORY:

Filed September 30, 1982; effective September 15, 1982. **Amended:** January 3, 1990; Filed September 4, 1992; effective October 9, 1992. **Amended:** September 9, 1993; effective October 14, 1993. **Amended:** May 6, 1996; effective June 10, 1996. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Amended:** Filed November 2, 2001; effective December 7, 2001. **Amended:** Filed May 12, 2003; effective June 16, 2003.

700-X-2-.02 Good Moral Character Required. [AL ADC 700-X-2-.02]

Current through December 31, 2003

The Board shall refuse licensure to any applicant who is of other than good moral character. The determination as to what constitutes other than good moral character and reputation shall be solely within the judgment of the Board. Each applicant shall be required to submit references from two professional sources addressing, but not limited to, moral character. These references shall be submitted on forms prescribed by the Board and shall be mailed to the executive director. Grounds for refusal may include but are not limited to:

(a) a history of using drugs or intoxicating liquors to an extent which affects his professional competency,

(b) conviction of a felony or of a crime involving moral turpitude,

(c) an attempt to obtain or obtaining a license by fraud or deception,

(d) guilt of conduct unbecoming a person licensed as a physical therapist or licensed as a physical therapist assistant or of conduct detrimental to the best interest of the public, and

(e) conviction of violating any state or federal narcotic law.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake, Danny F. Sutter, Janice M. Goodwin, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Code of Ala. 1975, §§ 34-24-211, 34-24-212, 34-24-193, 34-24-216.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989; Filed September 4, 1992; effective October 9, 1992. **Amended:** Filed July 14, 1998; effective August 18, 1998.

700-X-2-.03 Application Required. [AL ADC 700-X-2-.03]

Current through December 31, 2003

(1) Application form. Each applicant for licensure shall complete an application form prescribed by the Board and supplied by the executive director.

(2) Documentation. The documents provided in this section must be received by the executive director before an application is considered complete.

(a) Applicants for Licensure by Examination.

1. The following must be submitted by the applicant:

(i) Completed application form, including photograph.

(ii) The required fees as prescribed by the Board.

(iii) Completed examination application form.

2. The following must be submitted directly to the Board by the appropriate person or entity:

(i) A Certification of Physical Therapy Education form completed by an authorized representative of the educational program. (Must be received prior to issuance of a temporary license.)

(ii) An official transcript of grades showing graduation or completion of the requisite physical therapy program. (Must be received prior to issuance of a permanent license.)

(iii) Completed character reference forms.

(b) Applicants for Licensure by Endorsement.

1. The following must be submitted by the applicant:

(i) Completed application form, including photograph.

(ii) The required fee as prescribed by the Board.

2. The following must be submitted directly to the Board by the appropriate person or entity:

(i) An official transcript of grades showing graduation or completion of the requisite physical therapy program.

(ii) Verification of all of applicant's current licenses in other states as a physical therapist or physical therapist assistant.

(iii) Completed character reference forms.

(iv) Applicants who took the examination between August, 1965, and February, 1991, must have passed each part of the examination, as well as the entire examination, by at least 1.5 sigma below the national mean. Applicants who took the examination between February, 1991, and March, 1993, must have passed the examination by at least 1.5 sigma below the national mean. Applicants who took the examination from March, 1993, to the present must have passed the examination with a criterion referenced raw score of at least 600.

(c) Foreign-educated applicants.

1. The following must be submitted directly to the Board by the appropriate person or entity:
 - (i) A certified copy of the evaluation by the approved credentials evaluating agency of the applicant's education prior to application.
 - (ii) Completed character reference forms.
 - (iii) Any other certifying documents deemed necessary by the Board to establish professional status.
2. The following must be submitted by the applicant:
 - (i) Completed application form. (Not to be submitted until after the Board has reviewed the credentials evaluation report.)
 - (ii) The required fees as prescribed by the Board.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Danny F. Sutter; Janice M. Goodwin, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Code of Ala. 1975, §§ 34-24-193, 34-24-211, 34-24-212, 34-24-216.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989; Filed January 3, 1990; Filed September 4, 1992; effective October 9, 1992. **Amended:** Filed July 14, 1998; effective August 18, 1998.

700-X-2-.04 Application Fee Required. [AL ADC 700-X-2-.04]

Current through December 31, 2003

A fee not to exceed \$250.00 shall be required of all applicants for licensure. The fee shall be tendered in cashier's check, bank certified check, corporate or business check, or money order.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Danny F. Sutter; Janice M. Goodwin, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Code of Ala. 1975, §§ 34-24-193, 34-24-211.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989; Filed September 4, 1992; effective October 9, 1992. **Amended:** Filed July 14, 1998; effective August 18, 1998.

700-X-2-.05 Examination Required. [AL ADC 700-X-2-.05]

Current through December 31, 2003

- (1) Examination.
 - (a) Each candidate for licensure must pass an examination approved by the Board.
 - (b) The fee for the examination is in addition to the application fee provided for in Rule 700-X-2-.04 and the check should be made payable directly to the examination service.
- (2) Time and Place of Examination. Once the candidate has met the Board's requirements for examination, the Board will certify and forward the candidate's scannable application and fee to the examination service. The examination service will directly inform the candidate, by letter, of a toll free number to use to schedule the examination with an approved testing center. Candidates must schedule and take the examination within 60 days of the date of the letter. Candidates may test in

any state.

(3) Proctoring of Examination. The approved testing center will provide proctors who are available to assist candidates, as needed, with problems related to the use of the computer for the testing process. Tutorials will be provided in advance of the examination to familiarize candidates with the process.

(4) Scoring of Examination.

(a) Examinations shall be scored by and maintained on file by the appropriate examination service, and examination scores maintained by the Board.

(b) Passing Score.

1. Physical Therapist Applicants. Physical therapist applicants must pass the examination based on a passing score approved by the Board.

2. Physical Therapist Assistant Applicants. Physical therapist assistant applicants must pass the examination based on a passing score approved by the Board.

(5) Reexamination.

(a) Any candidate who fails to pass the first examination may file for an application for reexamination following procedures established by the Board. Candidates need only to wait for this process to be completed before rescheduling the examination.

(b) The fee for the first reexamination shall be the same as that fee specified in Section (1)(b) of this rule.

(c) Any candidate who fails to pass the second examination must subsequently resubmit his/her application for licensure as a new applicant.

(d) Any applicant is eligible to sit for the examination a maximum of three times.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Danny F. Sutter; Janice M. Goodwin, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Code of Ala. 1975, §§ 34-24-193, 34-24-212, 34-24-216.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989; effective September 15, 1982. **Amended:** January 3, 1990; Filed September 4, 1992; October 9, 1992. **Amended:** Filed July 14, 1998; effective August 18, 1998.

700-X-2-.06 Licensure Without Examination. [AL ADC 700-X-2-.06]

Current through December 31, 2003

Any individual who applies for registration or licensure without examination under the provisions of Code of Ala. 1975, § 34-24-214, must provide the Board with a copy of the law under which he/she was licensed and, where appropriate, have the licensing authority or appropriate score reporting service provide the Board with a copy of his/her examination scores.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Danny F. Sutter; Janice M. Goodwin, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Code of Ala. 1975, §§ 34-24-193, 34-24-215.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed July 14,

1998; effective August 18, 1998.

700-X-2-.07. Issuance Of License. [AL ADC 700-X-2-.07]

Current through December 31, 2003

Each license shall be dated and numbered in the order of issuance and shall be signed by the chair and the executive director.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Code of Ala. 1975, §§ 34-24-193, 34-24-213, 34-24-214, 34-24-215.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Amended:** Filed February 4, 2003; effective March 11, 2003.

700-X-2-.08 Temporary Licenses. [AL ADC 700-X-2-.08]

Current through December 31, 2003

(1) Upon application for licensure by qualified candidates under the provisions of Code of Ala. 1975, § 34-24-215(b), and upon submission of documentation required by Rule 700-X-2-.03, a candidate shall be issued a temporary license to practice as a physical therapist or physical therapist assistant. The temporary license shall be valid only until the first examination is scored and the Board determines whether a permanent license shall be issued. Physical therapists practicing under a temporary license must be under the direct, on-site supervision of a licensed physical therapist. Physical therapist assistants practicing under a temporary license must be under the direct, on-site supervision of a licensed physical therapist or a licensed physical therapist assistant, with the approval of the supervising physical therapist.

(2) The Board shall issue a temporary license under the provisions of Code of Ala. 1975, § 34-24-215(a), upon application and payment of a fee not to exceed \$100.00, which fee shall be set from time to time by resolution of the Board.

AUTHORS:

Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Code of Ala. 1975, §§ 34-24-193, 34-24-214.

HISTORY:

Filed September 30, 1982. **Amended:** Filed March 9, 1995; effective April 13, 1995. **Amended:** Filed December 6, 1996; effective January 10, 1997. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Amended:** Filed February 4, 2003; effective March 11, 2003.

700-X-2-.09. Renewal Of License. [AL ADC 700-X-2-.09]

Current through December 31, 2003

(1) Annual Renewal Required. Each license expires on October 1 of the year following its issuance. Failure to renew license on or before November 1 acts as a forfeiture of the right to

practice.

(2) Renewal Fee Required. A renewal fee of not to exceed \$100.00 shall be required for annual renewal of license. The renewal fees shall be set from time to time by resolution of the Board.

(3) Continuing Education Required. Successful completion of continuing education shall be a requirement for the renewal of licenses. Licensees will provide documentation of successful completion of continuing education units with license renewals.

(a) General Guidelines

1. Continuing education courses seeking Board approval are courses which:

(i) Maintain, improve or expand skills or knowledge

(ii) Contribute to the professional competency of the licensee by means of an organized program

(iii) Pertain to common subjects related to the practice of physical therapy

(iv) Are conducted by experts in the subject matter--individuals with special education, training, and experience, and are accompanied by a paper, manual or outline

(v) Have stated program goals/objectives.

2. One contact hour constitutes one fifty-minute clock hour or one-tenth CEU and ten contact hours are equal to one CEU in an organized continuing education experience under responsible sponsorship, capable direction and qualified educators.

3. Components of APTA shall include sections, chapters and accredited school programs. The Federation of State Boards of Physical Therapy and CLEAR conference programs will be recognized for those involved with licensure.

(b) Requirements

1. Each physical therapist and physical therapist assistant licensed to practice by this Board shall complete during each compliance period, a minimum of ten (10) contact hours for physical therapists and six (6) hours for physical therapist assistants continuing education approved by the Board. October 1 through October 31 of the next year shall constitute a compliance period.

2. Continuing education credit may be granted for:

(i) Courses, seminars and workshops which are sponsored by APTA and/or its components,

(ii) Certificate courses for an advanced specialty,

(iii) APTA individual self-directed studies. Other self-directed studies may be considered.

(iv) University/college courses which apply to the field of physical therapy. Ten contact hours will be awarded for each college semester credit earned with a grade of "B" or above, seven contact hours for each quarter hour.

(v) Courses which are of two contact hours or more in duration.

3. Applicants who are approved for initial licensure between October 1 and December 31 are not required to accrue hours the first licensure period. New graduates will not be required to meet the continuing education requirement until they have been licensed for one licensure period.

4. Licensees will be responsible for supplying copies of certificates of completion of approved continuing education courses along with renewal applications and fees.

(c) Approval of courses

1. Any individual or organization seeking approval of a course should apply to the Board for approval in advance of the commencement of the activity.

2. An application shall include:

(i) dates of course

(ii) subjects offered

(iii) course outline and objectives

(iv) total hours of instruction

(v) names and qualifications of speakers and instructors

(vi) sponsoring organization or institution

(d) Unacceptable activities for continuing education:

1. Orientation and inservice continuing education

2. Courses which are less than two hours in length

3. Meetings for purposes of policy decision

4. Non-educational meetings at annual conferences, chapter or organizational meetings

5. Entertainment or recreational meetings or activities

6. Committee meetings, holding of office, serving as an organizational delegate

7. Visiting exhibits, poster presentations

(e) Review of Programs. The Board may monitor or review any continuing education program already approved and, upon evidence of significant variation in the program presented from the program approved, may revoke all or any part of the hours approved.

(f) Failure to Meet Requirement

1. No license will be renewed in the absence of satisfactory evidence that the required hours have been earned.

2. The Board may consider exceptions in extenuating circumstances.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Janice M. Goodwin, Herbert R. Caillouet, Bernard Harris

Code of Ala. 1975, §§ 34-24-193, 34-24-216.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989; January 3, 1990; July 7, 1991. **Amended:** Filed June 8, 1994; Effective July 13, 1994. **Amended:** Filed July 14, 1998; effective August 18, 1998. **Amended:** Filed November 2, 2001; effective December 7, 2001. **Amended:** Filed February 4, 2003; effective March 11, 2003.

700-X-2-.10 Restoration Of License. [AL ADC 700-X-2-.10]

Current through December 31, 2003

Any person who permits his/her license to lapse past October 31 may restore the license upon application to the Board and submission of all fees due plus a restoration fee of \$50.00.

AUTHORS:

Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Code of Ala. 1975, §§ 34-24-193, 34-24-216.

HISTORY:

Filed September 30, 1982. **Amended:** Filed July 14, 1998; effective August 18, 1998.

700-X-2-.11 Lost Or Destroyed License Or Name Change. [AL ADC 700-X-2-.11]

Current through December 31, 2003

(1) Lost or destroyed license. Any licensee whose license is lost or destroyed may be issued a replacement license upon making application to the Board. Such application must be accompanied

by an affidavit setting out the facts concerning the loss or destruction.

(2) Name change. Any licensee whose name is changed by marriage or court order shall surrender his/her license, provide proof of name change and apply for a replacement license within 60 days.

AUTHORS:

Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed July 14, 1998; effective August 18, 1998.

700-X-2-.12 Fee For Verification Of Licensure. [AL ADC 700-X-2-.12]

Current through December 31, 2003

The board is authorized to establish and collect a fee (not to exceed \$100.00) for certifying to other boards or entities that a licensee is a member in good standing with the Alabama Board.

AUTHORS:

Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Code of Ala. 1975, § 34-24-193.

HISTORY:

New Rule: Filed July 14, 1998; effective August 18, 1998.

CHAPTER 700-X-3. PROFESSIONAL CONDUCT

700-X-3-.01. Statement Of Policy. [AL ADC 700-X-3-.01]

Current through December 31, 2003

Physical therapists and physical therapist assistants are to respect the rights and dignity of all individuals and are to be guided at all times by concern for the welfare of those patients entrusted to their care. Inherent within this charge of care for a patient is a code of conduct which includes both required and prohibitive actions.

AUTHOR:

Robert L. Shoemake

Code of Ala. 1975, § 34-24-193, 34-24-217.

HISTORY:

Filed September 30, 1982.

700-X-3-.02 Unbecoming Conduct/Conduct Detrimental To The Best Interest Of The Public Prohibited. [AL ADC 700-X-3-.02]

Current through December 31, 2003

(1) Definition. "Unbecoming Conduct" is defined as incompetent, illegal, unethical,

unprofessional, or dishonorable conduct which violates those standards which have become accepted as obligations reasonably necessary for the protection of the public interest and for professional accountability.

(2) Certain Conduct Specifically Prohibited. While the statements of conduct apply universally, the application or interpretations are usually based on specific individual circumstances. The determination as to what constitutes unbecoming conduct shall be solely within the judgment of the Board of Physical Therapy. The Board finds that and declares that unbecoming conduct shall include, but not be limited to, the following either singularly, in part, or in combination:

(a) Willful or grossly negligent failure to comply substantially with provisions of federal, state, or local laws, rules or regulations governing the practice of the profession.

(b) Abandoning or neglecting a patient or client under and in need of immediate professional care without making reasonable arrangements for the continuation of such care.

(c) Willfully harassing, abusing, or intimidating a patient either physically or verbally.

(d) Exercising undue influence on the patient or client including the promotion of the sale of services, goods, or appliances in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party.

(e) Restricting the patient's freedom of choice in selecting the source of physical therapy services.

(f) Suggesting to a patient referred by one practitioner that the patient seek the services of another practitioner without first consulting the referring practitioner.

(g) Guaranteeing that satisfaction or a cure will result from the performance of professional services.

(h) Administering excessive tests or treatment; use of treatment procedures or equipment not warranted by the condition of the patient.

(i) Claiming or using any secret or special method of treatment which the licensee refuses to divulge to the Board.

(j) Claiming professional superiority or special professional abilities, attainments, methods, or resources, with the exception that a specialist qualified or certified by an agency recognized for such purpose by the Board may indicate a specialty that has been recognized as such by the Board. No specialties are currently recognized by the Board.

(k) Using the word "doctor" in offering to perform professional services without also indicating the discipline in which the licensee holds a doctorate.

(l) Soliciting patients by direct mail or other forms of contact except that notification by advertising regulations as identified elsewhere in these rules and regulations permits.

(m) Accepting and undertaking the performance of responsibilities which the licensee knows or has reason to know that he or she is not qualified to perform, or performing without adequate supervision or direction, services which the licensee is authorized to perform only under the supervision or direction of licensed persons.

(n) Delegating responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by education, by experience, or by licensure to perform them.

(o) Failing to exercise appropriate supervision or direction over persons who are authorized to practice only under the supervision or direction of the licensed professional.

(p) Willfully refusing to be responsive to and mutually supportive of colleagues and associates.

(q) Failing to maintain appropriate records which accurately reflect the evaluation and treatment for each patient. Unless otherwise provided by law, all patient records must be retained for at least

six years.

(r) Revealing personally identifiable facts, data, or information obtained in a practitioner capacity without the prior consent of the patient or client, except as authorized or required by law.

(s) Failing to make available to a patient, or, upon a patient's request, to another licensed health care practitioner consistent with that practitioner's authorized scope of practice, copies of reports, test records, or evaluations relating to the patient, or failing to complete forms or reports required for the reimbursement of a patient by a third party. Reasonable fees may be charged for such copies, forms, or reports. A practitioner may, however, withhold information from a patient if, in the reasonable exercise of professional judgment, the practitioner believes release of such information would adversely affect the patient's health.

(t) Endorsing equipment to the patient and the lay public if any remuneration is received in return for such endorsement.

(u) Participating in any arrangements in which patients are exploited due to referring practitioners enhancing their personal incomes as a result of referring for, delegating, prescribing, or recommending physical therapy services.

(v) Directly or indirectly requesting, receiving or participating in the dividing, transferring, assigning, rebating or refunding of an unearned fee or profiting by means of a credit or other valuable consideration such as an unearned commission, discount or gratuity in connection with the furnishing of physical therapy services.

(w) Abandoning a professional employment by a group practice, hospital, clinic, or other health care facility, without reasonable notice and under circumstances which seriously impair the provisions of professional care to patients or clients.

(x) Forming a business, partnership, corporation, or other entity does not exempt the individual physical therapist, whether employer, partner, or stockholder, either individually or collectively, from the obligation of promoting and maintaining ethical principles.

(y) Failing to report alleged or known unethical, incompetent, illegal, unprofessional, or dishonorable conduct.

(z) Any other conduct which constitutes unbecoming conduct as defined in section (1) of this rule or as otherwise specifically provided in these rules.

(aa) Engages in sexual misconduct. Sexual misconduct, for the purpose of this section, includes the following:

1. Engaging in or soliciting sexual relationships, whether consensual or non-consensual, while a physical therapist or physical therapist assistant/patient relationship exists.

2. Making sexual advances, requesting sexual favors, and engaging in other verbal conduct or physical contact of a sexual nature with patients, clients or co-workers.

3. Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.

(bb) Charging unreasonable or fraudulent fees for services performed or not performed.

(cc) Interfering with, or refusing to cooperate in, an investigation or disciplinary proceeding by willful misrepresentation of facts or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any legal action.

AUTHORS:

Donald L. Hiltz, Anne H. Harrison, Herbert R. Caillouet, Cathy T. Sanford, Bernard Harris
Code of Ala.1975, §§ 3-24-191; 3-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed: September 9, 1993; effective October 14, 1993.

Amended: Filed December 5, 1995; effective January 9, 1996. **Amended:** Filed July 8, 1997; effective August 12, 1997.

700-X-3-.03. Roles And Responsibilities Of Licensees. [AL ADC 700-X-3-.03]

Current through December 31, 2003

(1) **Roles and Responsibilities, Generally.** Within the provision of physical therapy service there are three recognized levels of personnel: The professional physical therapist who is licensed to practice physical therapy; the physical therapist assistant who is licensed to assist the physical therapist; and the physical therapist aide/attendant who is not licensed but is usually an on-job-trained individual who provides support activities for the physical therapist and the physical therapist assistant. The physical therapist must assume primary responsibility for physical therapy care rendered by supportive personnel under his/her supervision or direction. Both direction and supervision include, when appropriate, observation of the application of physical therapy procedures, conferences related to patient progress, verbal and written reports.

(2) **Definitions.**

(a) Direction means the action of the physical therapist in delegating duties to a physical therapist assistant, maintaining close communication with the physical therapist assistant, and overseeing the physical therapist assistant's activities on a frequent regularly scheduled basis.

(b) Supervision means the direct onsite overseeing of the performance of assigned or delegated duties or functions.

(3) **Roles and Responsibilities, Specifically.**

(a) Physical Therapist. The roles and responsibilities of a person licensed by this Board to practice physical therapy in the State of Alabama generally are:

1. To interpret the practitioners' referrals.
2. To perform the initial evaluation of the referred patient.
3. To develop the treatment plan and program, including the long and short term goals.
4. To identify and document precautions, special problems, contraindications, goals, anticipated progress, and plans for reevaluation.
5. To implement and supervise that program.
6. To select and delegate the appropriate portions of the treatment plan and program.
7. To delegate only those patient care duties to supportive personnel who are qualified under the provisions of these rules to perform such duties.
8. To reevaluate the patient and adjust the treatment plan, perform the final evaluation of the patient and discharge planning.
9. To designate or establish channels of written and oral communication.
10. To maintain adequate records of the case and report to the referring source or other appropriate sources.
11. To direct no more than four licensed physical therapist assistants at one time.
12. To refuse to carry out treatment procedures that they believe to be not in the best interest of the patient.

(b) Physical Therapist Assistant, also referred to as physical therapy assistant and physical therapy technician. The roles and responsibilities of a person licensed by this Board to practice as a physical therapist assistant in the State of Alabama generally are:

1. To practice only under the direction of a physical therapist licensed to practice in the State of Alabama.

2. To assist with but not perform patient disability evaluations.
3. To perform treatment procedures as delegated by the physical therapist but not to initiate or alter a treatment plan.
4. To supervise other supportive personnel as charged by the physical therapist.
5. To perform clerical, housekeeping, or other tasks as designated by the physical therapist.
6. To notify the physical therapist of changes in patient's status, including all untoward patient responses.
7. To discontinue immediately any treatment procedures which in their judgment appear to be harmful to the patient.
8. To refuse to carry out treatment procedures that they believe to be not in the best interest of the patient.

(c) Physical Therapy Aide, Attendant, or other Designated Physical Therapy Supportive Personnel excluding the Physical Therapist Assistant. The roles and responsibilities of unlicensed personnel in physical therapy are:

1. To perform assigned duties under the direct on-site supervision of the physical therapist or physical therapist assistant.
2. To prepare patients and area for physical therapy treatment.
3. To assist patients in dressing, removing clothing, and applying or removing assistive or supporting devices.
4. To support or stabilize patients to assist the physical therapist or physical therapist assistant.
5. To transport patients.
6. To transfer or assist in transfer of patients when appropriate.
7. To perform housekeeping duties.
8. To perform clerical or reception duties when directed by the physical therapist.
9. To assist in performance of routine treatment procedures as delegated and directly supervised (onsite) by the physical therapist or physical therapist assistant.

AUTHOR:

Robert L. Shoemake

Code of Ala. 1975, § 34-24-191, 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed September 9, 1993; effective October 14, 1993. **Amended:** Filed December 5, 1995; effective January 9, 1996. **Amended:** Filed May 6, 1996; effective June 10, 1996.

700-X-3-.04. Advertising. [AL ADC 700-X-3-.04]

Current through December 31, 2003

(1) Statement of Policy. It is the policy of the Board that advertising by licensed practitioners of physical therapy should be regulated in order to fulfill the duty of the State of Alabama to protect the health, safety, and welfare of its residents, while not abridging any rights guaranteed to the practitioners or to the public by the Constitution of the United States and the Constitution of the State of Alabama, as construed by the United States Supreme Court and the Alabama Supreme Court. To that end, the Board permits the dissemination of legitimate information to the public concerning physical therapy and individual practitioners thereof. Such dissemination of information must be done in accordance with this rule which is designed to reasonably facilitate the flow of

accurate information and prevent fraudulent, false, deceptive, misleading, and confusing advertising.

(2) Definition. As used in this rule the term **advertising** means any communication whatsoever, disseminated by any means whatsoever, to or before the public.

(3) Certain Advertising Prohibited. Any licensee who disseminates or causes to be disseminated or knowingly allows to be disseminated any advertising which is in any way fraudulent or false, or which has the capacity or tendency to deceive, mislead, or confuse the recipient in any manner, shall be deemed in violation of Code of Ala. 1975, § 34-24-217(10), and pursuant to that section shall, upon conviction, have his or her license suspended or revoked by the Board. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, misleading, or confusing if the Board determines that the advertising displays any of the following characteristics:

(a) The advertising contains a misrepresentation of any fact or facts.

(b) The advertising has the capacity or tendency to mislead, deceive, or confuse any potential recipient when because of its contents or in the context in which it is presented, it fails to disclose relevant or material facts, or makes only a partial disclosure of relevant or material facts.

(c) The advertising contains any claim or claims which foster confusion or deception, even though such claims may elude specific proof of their falsity.

(d) The advertising makes claims or conveys the impression of professional superiority or other superior attributes which cannot be substantiated by the licensee who shall have the burden of proof.

(e) The advertising contains laudatory or flamboyant claims or statements about any individual licensee, group or groups of licensees.

(f) The advertising has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures.

(g) The advertising guarantees the results of any services.

(h) The advertising contains representations relating to the quality of physical therapy services offered which cannot be substantiated by the licensee, who shall have the burden of proof.

(i) Some portion of the advertising or the advertising when taken as a whole is likely to appeal to a lay person's fears, ignorance, or anxieties regarding his state of health or his physical or mental well-being.

(j) Some portion of the advertising or the advertising when taken as a whole is likely to intimidate or exert undue pressure on the recipient.

(k) The advertising constitutes an invasion into the field of practice of other health practitioners when the licensee is not licensed to practice such profession.

(l) The advertising concerns a transaction that is in itself illegal.

(m) The advertising gives the impression that there is a general solution to individual problems. The information given to the public should emphasize that individual problems cannot be treated without individualized evaluation and treatment.

(n) The advertising offers gratuitous services or discounts in connection with professional services.

(o) Licensees are not to compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity in a news item. A paid advertisement is to be identified as such unless it is apparent from the context that it is a paid advertisement.

(4) The following shall be deemed appropriate means of informing the public of the availability

of professional services:

(a) Informational advertising not contrary to the foregoing prohibitions.

(b) Listings in directories published by third parties which are open to all qualified members of the profession practicing in the geographic area covered by the directories. The listings shall be of the same size and type face and may include such factual material as name, address, telephone number, office days and hours, and approved area(s) of specialty. Such listings shall not include promotional statements or additional material designed to solicit patients or clients.

(c) Endeavoring to educate the public to an awareness of the physical therapy profession.

(d) Preparation of articles for nonmedical publications and participation in seminars, lectures, and civic programs designed to educate the public to the services offered by the profession.

AUTHORS:

Robert L. Shoemake, Beth Curry Dozier, Herbert R. Caillouet, Cathy T. Sanford, Sonja Farrell,
Olivia J. Box

Code of Ala. 1975, §§ 34-24-193, 34-24-217.

HISTORY:

Filed September 30, 1982. **Amended:** Filed December 14, 2001; effective January 18, 2002.

700-X-3-.05. Display Of License. [AL ADC 700-X-3-.05]

Current through December 31, 2003

(a) Each physical therapist and physical therapist assistant shall at all times display conspicuously before the public in his/her primary place of employment the license issued by this Board.

(b) There shall at all times be prominently displayed in the place of business of each licensee under this Act a sign containing the name, mailing address, and telephone number of this Board.

AUTHORS:

Donald L. Hiltz, Anne H. Harrison, Herbert R. Caillouet, Danny Sutter, Bernard Harris.

Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed February 6, 1997; effective March 17, 1997.

700-X-3-.06. Failure To Comply With Statute, Rule, Or Order. [AL ADC 700-X-3-.06]

Current through December 31, 2003

The Board finds and declares that the failure of any applicant, licensee, or former licensee to substantially comply with the provisions of any statute related to the practice of physical therapy or any lawful Board rule or order constitutes unbecoming conduct, in violation of Code of Ala. 1975, § 34-24-217(7).

AUTHOR:

Robert L. Shoemake

Code of Ala. 1975, § 34-24-193, 34-24-217.

HISTORY:

Filed September 30, 1982.

CHAPTER 700-X-4. DISCIPLINARY ACTIONS

700-X-4-.01. Complaints. [AL ADC 700-X-4-.01]

Current through December 31, 2003

Complaints alleging any violation of the laws of the State of Alabama or rules of this Board may be lodged by any person in writing with the executive director.

AUTHORS:

Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Code of Ala. 1975, §§ 34-24-193, 34-24-194.

HISTORY:

Filed September 30, 1982. **Amended:** Filed September 4, 1998; effective October 11, 1998.
Amended: Filed February 4, 2003; effective March 11, 2003.

700-X-4-.02. Probable Cause. [AL ADC 700-X-4-.02]

Current through December 31, 2003

Beginning October 1, 1983, upon the lodging of a complaint, the executive director shall refer the complaint to the chair of the Board. Subsequent to investigation the chair shall, in consultation with the executive director and the Board's attorney, determine whether probable cause exists for the issuing of a summons and complaint by the Board. If a summons and complaint is issued, the chair who made the probable cause determination shall not vote at the disciplinary hearing held pursuant to the summons and complaint.

AUTHORS:

John C. Badenhop, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Code of Ala. 1975, § 34-24-194.

HISTORY:

Filed September 30, 1982. **Amended:** Filed September 6, 1985. **Amended:** Filed September 4, 1998; effective October 11, 1998. **Amended:** Filed February 4, 2003; effective March 11, 2003.

700-X-4-.03. Summons And Complaint. [AL ADC 700-X-4-.03]

Current through December 31, 2003

(1) Preparation. In the event the Board determines that probable cause exists for the filing of a summons and complaint, the Board shall instruct its counsel to prepare it.

(2) The summons and complaint shall be mailed certified mail, return receipt requested, to the most recent address of the respondent on file with the Board and shall be mailed at least 30 days prior to the scheduled date of the hearing. In the event the summons and complaint is refused or the return receipt has not been received by the Board or its attorney at least 20 days before the scheduled hearing, respondent may be served by mailing a copy of the summons and complaint

first class mail at least 15 days before the hearing date.

(3) Contents. The summons and complaint shall give notice in substantial compliance with the Alabama Administrative Procedures Act S12(2).

(4) Subpoena Power. The Board of Physical Therapy has the power to issue subpoenas to respondents, witnesses, and for documents which may be required for the disposition of complaints.

AUTHORS:

John C. Badenhop, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Code of Ala. 1975, §§ 34-24-193, 34-24-194, 41-22-12(1).

HISTORY:

Filed September 30, 1982. **Amended:** Filed September 6, 1985. **Amended:** Filed September 4, 1998; effective October 11, 1998. **Amended:** Filed February 4, 2003; effective March 11, 2003.

700-X-4-.04. Pre-Hearing Discovery. [AL ADC 700-X-4-.04]

Current through December 31, 2003

(1) Permitted. Pre-hearing discovery shall be permitted in accordance with this rule to the extent necessary to prevent fraud, conserve the Board's time, prevent undue surprise at hearing and facilitate the carriage of justice.

(2) Extent Allowed. The attorney for the Board or the respondent may, upon application to the chair, obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending action, whether it relates to the charge of the Board or the defense of the respondent.

(3) Methods of Discovery.

(a) Upon written application to the chair, the following discovery may be allowed or ordered:

1. Deposition upon oral examination of any expert witness.

2. Interrogatories to respondent.

3. Order for production and copying of documents and things and entry upon land for inspection and other purposes, against any person.

(b) The discovery must be in accordance with any terms and conditions imposed by the chair. The chair may impose any such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression or undue burden or expense.

AUTHORS:

Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed September 4, 1998; effective October 11, 1998. **Amended:** Filed February 4, 2003; effective March 11, 2003.

700-X-4-.05. Disciplinary Hearings. [AL ADC 700-X-4-.05]

Current through December 31, 2003

(1) Conduct of Hearing.

(a) Hearing Examiner. The Board may, in its discretion, appoint some person to act as hearing examiner at disciplinary hearings. In the event a hearing examiner is appointed, he/she shall preside

at the hearing and shall rule on all questions of evidence and procedure, notwithstanding other provisions of these rules to the contrary.

(b) Plea. The respondent shall plead either "guilty" or "not guilty" to the charges set forth in the complaint.

(c) Opening Statement. Each side shall be permitted to make a short opening statement.

(d) The state shall present its evidence, followed by the respondent, followed by rebuttal by the state. Each witness called may be examined in the following manner:

1. Direct examination.
2. Cross examination.
3. Examination by Board.
4. Re-direct examination.
5. Re-cross examination.
6. Reexamination by Board.

(e) Closing Argument. Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant law to the evidence presented.

(f) The Board may request one or both sides to prepare within seven days for the Board's consideration a proposed order of the Board including findings of fact, official notice, and conclusions of law. Underlying facts of record which support the findings should be cited.

(g) Order. The Board shall issue an order within 30 days of the date of the final hearing, which shall include findings of fact, official notice taken, and conclusions of law, stated separately. Respondent shall be delivered a copy of the order by certified mail, return receipt requested, and a copy shall be mailed first class to each attorney of record.

(2) Evidence. Evidence shall be admitted in accordance with the Alabama Administrative Procedure Act Section 13.

(3) Emergencies. The Board may in an emergency situation, when danger to the public health, safety, and welfare requires suspending a license without hearing or with an abbreviated hearing in accordance with the Alabama Administrative Procedure Act Section 19(4).

(4) Other. The hearing shall otherwise be conducted in compliance with the provisions of the Alabama Administrative Procedure Act.

AUTHORS:

Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Code of Ala. 1975, §§ 34-24-193, 41-22-13, 41-22-16(3).

HISTORY:

Filed September 30, 1982. **Amended:** Filed September 4, 1998; effective October 11, 1998.

700-X-4-.06. Discipline. [AL ADC 700-X-4-.06]

Current through December 31, 2003

(1) Revocation or suspension of License. Upon a finding that respondent has violated any enumerated provision of Code of Ala. 1975, § 34-24-217, or any rule adopted pursuant thereto, the Board may revoke or suspend respondent's license to practice as a physical therapist or physical therapist assistant in Alabama.

(2) Stay of Execution of Order. The Board may, in its discretion, permanently or temporarily stay the execution of its order to revoke or suspend respondent's registration or license. The stay

may be conditioned on any provision the Board deems appropriate under all the circumstances of a particular case.

(3) Considerations. In determining whether a registration or license should be revoked or suspended, and whether execution of the order should be stayed, and upon what conditions, the Board shall consider all relevant factors, including, but not limited to, the following:

- (a) The severity of the offense;
- (b) The danger to the public;
- (c) The number of repetitions of offenses;
- (d) The length of time since the date of violation;
- (e) The number of complaints filed against the licensee;
- (f) The length of time the licensee has practiced;
- (g) The actual damage, physical or otherwise, to the patient;
- (h) The deterrent effect of the penalty imposed;
- (i) The effect of the penalty upon the licensee's livelihood;
- (j) Any efforts of rehabilitation; and
- (k) Any other mitigating or aggravating circumstances.

(4) Public Notice. The Board shall publish semi-annually a listing of names, with offenses, of licensees disciplined via formal or informal means.

AUTHORS:

Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Code of Ala. 1975, §§ 34-24-193, 34-24-217.

HISTORY:

Filed September 30, 1982. **Amended:** Filed September 4, 1998; effective October 11, 1998.

700-X-4-.07. Costs And Fines. [AL ADC 700-X-4-.07]

Current through December 31, 2003

(1) Fines. The Board is authorized to discipline its licensees by the adoption and collection of administrative fines, not to exceed \$1,000 per violation, and it is further authorized to institute any legal proceedings necessary to effect compliance with this chapter.

(2) Costs. The Board may, with the agreement of a licensee, tax the costs of the Board's investigation or adjudication of a complaint, in an amount not to exceed \$1,000.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris
Code of Ala. 1975, §§ 34-24-193, 34-24-215.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed September 4, 1998; effective October 11, 1998.

700-X-4-.08. Reinstatement Of License After Revocation. [AL ADC 700-X-4-.08]

Current through December 31, 2003

(1) Application for Reinstatement. Any person whose registration or license has been revoked

may apply to the Board for reinstatement of the license at any time within two years of the revocation. In his/her application for reinstatement, the applicant should state why he/she feels the license should be reinstated and should specifically set forth any changed circumstances which would justify reinstatement. Applicant must include in his/her application evidence that he/she meets the current requirements for licensure.

(2) Board Action. Upon receipt of such application, the Board may grant the applicant a hearing to consider reinstatement, at which time applicant may appeal to the Board to reinstate his/her license.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake, Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed November 29, 1989. **Amended:** Filed September 4, 1998; effective October 11, 1998.

700-X-4-.09. Conflict And Bias. [AL ADC 700-X-4-.09]

Current through December 31, 2003

(1) No Board member shall be entitled to vote in any disciplinary matter if the Board member is personally biased against the respondent or when such voting would violate the provisions of the Alabama Administrative Procedure Act, Section 18(1).

(2) Any respondent in a disciplinary action who wishes to assert bias or conflict may do so by filing with the executive director at least three days before the scheduled disciplinary hearing an affidavit asserting the disqualification together with the underlying factual basis for the assertion.

(3) The Board shall consider the assertion of disqualification on the record as a preliminary matter at the hearing before any other question is decided.

AUTHORS:

Herbert R. Caillouet, Donald L. Hiltz, Bernard Harris

Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982. **Amended:** Filed September 4, 1998; effective October 11, 1998.

CHAPTER 700-X-5. AMENDMENT OF RULES

700-X-5-.01. Petition For Adoption Of Rules. [AL ADC 700-X-5-.01]

Current through December 31, 2003

(1) Any person who wishes to propose that the Board adopt, repeal, or amend any rule may do so on the form prescribed by the Board and supplied by the executive director.

(2) The Board shall meet and consider any petition for adoption, repeal, or amendment within 60 days of its submission.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet
Code of Ala. 1975, §§ 34-24-193, 41-22-8.

HISTORY:

Filed September 30, 1982. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-5-.02. Notice. [AL ADC 700-X-5-.02]

Current through December 31, 2003

(1) The Board shall give at least 35 days' notice of any proposed action on any rule by publication in the Alabama Administrative Monthly in compliance with the Alabama Administrative Procedure Act, § 5(1)(a).

(2) Any person who wishes to receive notice by mail of all proposed actions on rules may do so by requesting such notice from the executive director and paying an annual charge of \$50.00 to cover costs of the mailings. All annual subscriptions begin October 1 and expire September 30.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet
Code of Ala. 1975, §§ 34-24-193, 41-22-5.

HISTORY:

Filed September 30, 1982. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-5-.03. Public Hearings. [AL ADC 700-X-5-.03]

Current through December 31, 2003

The Board shall permit all interested persons reasonable opportunity to submit data, views, or arguments concerning any proposed rule action. Data, views, or arguments submitted in writing must be received by the executive director at least seven days before the date specified in the notice as the day of the public hearing. Those persons wishing to appear before the Board to present data, views, or arguments orally must submit a request to appear before the Board to the executive secretary, and such request must be received by the executive secretary at least seven days before the scheduled public hearing.

AUTHORS:

James R. Hobbs, Jr.; Anne H. Harrison; Robert L. Shoemake; Donald L. Hiltz; Herbert R. Caillouet
Code of Ala. 1975, §§ 34-24-193, 41-22-5.

HISTORY:

Filed September 30, 1982. **Amended:** Filed March 5, 1999; effective April 9, 1999.

700-X-5-.04. Board Decision. [AL ADC 700-X-5-.04]

Current through December 31, 2003

The Board shall fully consider all written and oral submissions concerning every proposed rule action. Upon adoption of a rule, the Board, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its adoption, incorporating

therein its reasons for overruling any consideration urged against its adoption.

AUTHOR:

Code of Ala. 1975, § 34-24-193, 41-22-5.

HISTORY:

Filed September 30, 1982.

700-X-5-.05. Emergency Rules. [AL ADC 700-X-5-.05]

Current through December 31, 2003

In the event the Board finds that an immediate danger to the public health, safety, or welfare requires adoption of a rule upon fewer than 35 days' notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice, the Board may adopt an emergency rule under the provisions of the Administrative Procedure Act, § 5(2).

AUTHOR:

Code of Ala. 1975, § 34-24-193, 41-22-5.

HISTORY:

Filed September 30, 1982.

700-X-5-.06. Compliance With Administrative Procedure Act. [AL ADC 700-X-5-.06]

Current through December 31, 2003

All rules adopted by the Board shall otherwise substantively and procedurally comply substantially with the provisions of the Alabama Administrative Procedure Act.

AUTHOR:

Code of Ala. 1975, § 34-24-193.

HISTORY:

Filed September 30, 1982.

APPENDIX A

(FORMS)

- 1. Information For Completing Application By Examination**
- 2. Information For Completing Application By Endorsement**
- 3. Application For Licensure As A Physical Therapist In Alabama**
- 4. Application For Licensure As A Physical Therapist Assistant**
- 5. Character Reference For Licensure**
- 6. Certification Of Current License In Another State**
- 7. Certification Of Physical Therapy Education**
- 8. Supervisory Agreement For Temporary Licensure**
- 9. PT/PTA Data Collection**
- 10. License Renewal**

11. Affidavit of License

12. General Instructions-Foreign Educated Physical Therapists

13. Foreign Educated Physical Therapist Educational Credentials Equivalency Evaluation Check-List

14. Petition For Adoption Of Rule

APPLICATION FOR LICENSURE BY EXAMINATION--PT OR PTA

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

APPLICATION FOR LICENSURE BY ENDORSEMENT--PT OR PTA

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

PHYSICAL THERAPIST APPLICATION FOR LICENSURE

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

PHYSICAL THERAPIST ASSISTANT APPLICATION FOR LICENSURE

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

CHARACTER REFERENCE

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

CERTIFICATION OF CURRENT LICENSE IN ANOTHER STATE

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

CERTIFICATION OF PHYSICAL THERAPY EDUCATION

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

SUPERVISORY AGREEMENT FOR TEMPORARY LICENSURE

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

DATA COLLECTION

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

LICENSE RENEWAL

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

AFFIDAVIT OF LICENSE

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

FOREIGN EDUCATED PHYSICAL THERAPISTS--GENERAL INSTRUCTIONS

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

**FOREIGN EDUCATED PHYSICAL THERAPIST EDUCATIONAL CREDENTIALS
EQUIVALENCY EVALUATION CHECK-LIST**

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

PETITION FOR ADOPTION OF RULE

GRAPHICAL IMAGE APPEARS HERE; USE JUMP TO DISPLAY

Statutes

ARTICLE 5. PHYSICAL THERAPISTS.

DIVISION 1. GENERAL PROVISIONS.

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 700-X-5-.01 et seq., Board of Physical Therapy; Amendment of Rules.

§ 34-24-190. Short title. [AL ST SEC 34-24-190]

Current through End of 2003 Organizational, Regular and 1st Special Session.

This article may be cited as the Physical Therapy Practice Act.
(Acts 1965, No. 476, p. 686, § 1.)

§ 34-24-191. Definitions. [AL ST SEC 34-24-191]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Annotations

(a) For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed by this section:

(1) Physical therapy. The treatment of a human being by the use of exercise, massage, heat, cold, water, radiant energy, electricity or sound for the purpose of correcting or alleviating any physical or mental condition or preventing the development of any physical or mental disability, or the performance of neuromuscular-skeletal tests and measurements to determine the existence and extent of body malfunction; provided, that physical therapy shall be practiced only upon the referral of a physician licensed to practice medicine or surgery and a dentist licensed to practice dentistry and shall not include radiology or electrosurgery.

(2) Physical therapist. A person who practices physical therapy.

(3) Physiotherapist. Synonymous with the term "physical therapist," and said term shall be used to identify only those persons registered under this article. The physical therapist may use the letters "P.T." or "R.P.T." in connection with his name or place of business to denote his registration hereunder.

(4) Physical therapist assistant. A person who assists in the practice of physical therapy and whose activities require an understanding of physical therapy but do not require professional or advanced training in the anatomical, biological and physical sciences involved in the practice of physical therapy. The physical therapist assistant shall practice only under the direction of a registered physical therapist.

(5) Physical therapy technician. Synonymous with the term "physical therapist assistant,"

and said term shall be used to identify only those persons licensed under this article. The physical therapist assistant may use the letters "L.P.T.A." in connection with his name to denote his being licensed hereunder.

(6) Board. The Board of Physical Therapy established by Section 34-24-192.

(7) Foreign trained physical therapist. A person trained or educated in the practice of physical therapy outside of the United States or any of its territorial possessions.

(b) Words importing the masculine gender shall include the feminine.

(Acts 1965, No. 476, p. 686, § 2; Acts 1969, No. 622, p. 1128, § 1; Acts 1982, No. 82-189, p. 218, § 4.)

ANNOTATIONS

CASENOTES

Cited in Lennon v. Peterson, 624 So.2d 171 (Ala.1993).

§ 34-24-192. Board of Physical Therapy -- Generally. [AL ST SEC 34-24-192]

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

(a) *Composition; appointment and terms of members.* The Board of Physical Therapy shall consist of seven members; five members appointed by the Governor from a list of five persons nominated for each place on the board by the current licensees and certified to him or her by the board, and two additional members appointed by the Governor pursuant to subsection (e). For the purpose of preparing the list of five names for each position on the board, the board shall conduct an annual meeting at which all physical therapists and physical therapist assistants holding a current license as identified under this article shall have the right to attend, nominate, and vote. The board shall have the authority to regulate and prescribe the date, hour, and place of the meeting, the method of nomination, and the manner of voting. At least 30 days prior to the meeting the board shall mail notices to each current licensee, at the address shown on his or her current registration, notifying him or her of the exact date, hour, and place of the meeting, the purpose of the meeting, and of his or her right to attend and vote. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. Whenever possible, no two members of the board shall be residents of the same congressional district. The board members shall be appointed for staggered terms of five years each, so that at least one member's term expires each year. After April 19, 2001, as each member's term expires, the board shall provide a method of nominating members to the board so that each congressional district in the state is represented on the board. No person shall be appointed for more than two consecutive terms. Four members of the board shall be physical therapists, two members of the board shall be physical therapist assistants, and one member shall be a consumer.

(b) *Qualifications of members.* Each physical therapist or physical therapist assistant board member shall possess all the following qualifications:

(1) Be a resident of this state.

(2) Have practiced physical therapy, or acted as a physical therapist assistant, within the State of Alabama for the three years preceding his or her appointment.

(c) *Vacancies.* In the event of a vacancy within one year of the annual meeting at which the

list containing his or her name was compiled, the Governor shall fill the vacancy by selecting another name from the remaining names on the list prepared pursuant to subsection (a). Any vacancy, other than one occurring prior to the next annual meeting after the initial appointment is made, shall be filled by appointment of the Governor from a list of five nominees submitted by the current licensees of the board.

(d) *Officers; compensation and expenses of members.* The board shall designate one of its members as chair, one as secretary, and one as treasurer. Members of the board shall receive a fee for every day actually spent in the performance of their duties and in addition thereto shall be reimbursed according to the state travel policy for their other expenses in the same amounts and under the same conditions as state employees are reimbursed. The exact amount of the above-mentioned fee shall be fixed by the board.

(e) The two additional members appointed to the board after April 19, 2001, shall be nominated and appointed by the Governor in the same manner and at the same time, and shall serve the same term of office, as specified in subsection (a) for other board members. The consumer member shall be nominated and appointed in the year 2001, and the additional physical therapist assistant member shall be nominated and appointed in the year 2002.

(Acts 1965, No. 476, p. 686, § 4; Acts 1969, No. 622, p. 1128, § 3; Acts 1982, No. 82-189, p. 218, § 4; Acts 1985, No. 85-334, p. 268, § 3; Acts 1989, No. 89-232, p. 284, § 3; Acts 1997, No. 97-386, p. 617, § 3; Act 2001-254, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1997 amendment, effective May 12, 1997, inserted "or her" following "his" or "him" throughout; in subsection (a), in the first sentence substituted "the" for "such" following "each place on", in the fourth sentence substituted "the" for "said" following "30 days prior to", substituted the present fifth sentence for one which read: "In the event of a vacancy prior to the next annual meeting, the governor shall fill such vacancy from the remaining names on the list.", and deleted the ninth, tenth, and eleventh sentences; in subsection (b), in the introductory matter inserted "possess all the following qualifications", and in subdivision (1) substituted a concluding period for "; and"; in subsection (c) inserted the first sentence, in the present second sentence substituted ", other than one occurring prior to the next annual meeting after the initial appointment is made," for "within a term", and substituted "five" for "three"; in subsection (d) substituted "chair" for "chairman"; and made nonsubstantive changes.

The 2001 amendment, effective April 19, 2001, in subsection (a) substituted "seven members; five members" for "five members,", inserted ", and two additional members appointed by the Governor pursuant to subsection (e)", inserted "for each position on the board" following "list of five names", deleted "the provisions of" following "identified under", added the sentence following "diversity of the state.", inserted "at least" preceding "one member's term", added the sentence following "expires each year.", inserted "of the board" following "Four members", substituted ", two members of the board" for "and one member", and substituted "physical therapist assistants, and one member shall be a consumer" for "a physical therapist assistant"; in subsection (b) inserted "physical therapist or physical therapist assistant" following "Each"; added subsection (e); and made nonsubstantive changes.

Code Commissioner's Notes

Acts 1985, No. 85-334 continues the Board of Physical Therapy, pursuant to the Sunset Act.

The references in the ninth and tenth sentences of subsection (a) of this section to "this amendment" refer to the 1985 amendment of this section, which became effective April 17, 1985.

Section 2 of Acts 1989, No. 89-232 provides: "The existence and functioning of the Board of Physical Therapy, created and functioning pursuant to sections 34-24-190 through 34-24-217, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved."

Acts 1993, No. 93-154 provides: "The existence and functioning of the Board of Physical Therapy, created and functioning pursuant to Sections 34-24-190 to 34-24-217, inclusive, is continued, and those code sections are expressly preserved."

Acts 1997, No. 97-386, § 2, provides: "The existence and functioning of the Board of Physical Therapy, created and functioning pursuant to Sections 34-24-190 to 34-24-217, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2001-254, § 2 provides: "The existence and functioning of the Board of Physical Therapy, created and functioning pursuant to Sections 34-24-190 to 34-24-217, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 700-X-1-.01 et seq., Board of Physical Therapy; Organization, Administration and Procedure.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(1); States 45.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18; States §§ 79-80, 82, 136.

§ 34-24-193. Board of Physical Therapy -- Powers and duties; certification fee; administrative fines. [AL ST SEC 34-24-193]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) It shall be the duty of the board to pass upon the qualifications of applicants for registration as physical therapists and licensing as physical therapist assistants, to conduct examinations, to issue licenses and renewals to physical therapists and physical therapist assistants qualifying under this article and in a proper case to suspend or revoke the registration or license of such persons. The board may adopt rules and regulations not inconsistent with law as it may deem necessary for the performance of its duties but shall not issue any rules or regulations that require a physical therapist assistant to be within sight of a consulting physical therapist or a physical therapist supervisor while working under the direction of that physical therapist. The board shall maintain a register listing the name of every living physical therapist and physical therapist assistant registered or licensed in this state, his last known place of business and last known place of residence and the date and number of his license. The board shall compile a list of physical therapists and physical

therapist assistants registered or licensed to practice in this state, and such list shall be available to any person upon application to the board and the payment of such charge as may be fixed by the board. Subject to the provisions of Section 34-24-195, the board shall have the power to make such expenditures and employ such personnel as it may deem necessary for the administration of the provisions of this article.

(b) The board is hereby specifically authorized to establish and collect a fee for certifying to other boards or entities that a licensee is a member in good standing with the Alabama board.

(c) The board is hereby authorized to discipline its licensees by the adoption and collection of administrative fines, not to exceed \$1,000.00 per violation, and it is further authorized to institute any legal proceedings necessary to effect compliance with this chapter.

(Acts 1965, No. 476, p. 686, § 5; Acts 1969, No. 622, p. 1128, § 4; Acts 1982, No. 82-189, p. 218, § 4; Acts 1985, No. 85-334, p. 268, § 3; Acts 1989, No. 89-232, p. 284, § 3.)

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 700-X-1-.01 et seq., Board of Physical Therapy; Organization, Administration and Procedure.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-24-194. Complaint charging violation of article; hearing; subpoenas; judicial review of revocation or refusal of license. [AL ST SEC 34-24-194]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[Historical Notes](#) [References](#)

(a) Any person may file a complaint with the board against any registered physical therapist or licensed physical therapist assistant in the state charging the person with a violation of this article. The complaint shall set forth specifications of charges in sufficient detail to disclose to the accused fully and completely the alleged acts of misconduct for which he or she is charged. When a complaint is filed, the secretary of the board shall mail a copy thereof to the accused by registered mail at his or her address of record, with a written notice of the time and place of a hearing of the complaint, advising the accused that he or she may be present in person and by counsel if he or she so desires to offer testimony and evidence in his or her defense.

(b) The board may issue subpoenas and compel the attendance of any witness or the production of any book, writing, or other documentation in the possession, custody, or control of any person. Any person refusing to produce any book, writing, or other documentation or to appear to testify, without legal excuse, at a hearing of the board, after having been served with a subpoena issued by the board requiring the person to appear, produce any book, writing, or other form of documentation or testify at the hearing, shall be guilty of contempt. Upon certification of the act of contempt by the board to the judge of the circuit court in whose jurisdiction the hearing is held or is

to be held, the judge shall punish the contempt as though committed before the judge. The accused party shall, on application to the board, be furnished by the board with a subpoena for any witness in his or her behalf or for the production of any book, writing, or other documentation to be used in his or her behalf at the hearing.

(c) At the hearing, the board shall receive evidence upon the subject matter under consideration and shall accord the accused person a full and fair opportunity to be heard in his or her defense. The board shall not be bound by strict or technical rules of evidence, but shall consider all evidence fully and fairly except, that all oral testimony considered by the board must be under oath. If the board is convinced that the registered physical therapist or the licensed physical therapist assistant has violated this article, it may revoke his or her license.

(d) The action of the board in revoking or refusing to issue a license may be reviewed by the Circuit Court of Montgomery County by a writ of mandamus, accompanied by a bond to be approved by the court, to determine whether the board acted arbitrarily, capriciously or illegally. The review procedure provided in this subsection shall not suspend the action of the board in the revocation or refusal of a license.

(Acts 1965, No. 476, p. 686, § 13; Acts 1969, No. 622, p. 1128, § 12; Acts 1982, No. 82-189, p. 218, § 4; Acts 1985, No. 85-334, p. 268, § 3; Acts 1993, No. 93-154, p. 228, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1993 amendment, effective April 6, 1993, inserted "or her" throughout the section; in subsection (a), in the first sentence substituted "the person" for "said person," and substituted "a violation" for "having violated the provisions," deleted "so as" following "sufficient detail" in the second sentence, and in the last sentence substituted "a complaint" for "such complaint," inserted "a" preceding "hearing," substituted "of the complaint" for "thereof," substituted "the accused" for "him," inserted "or she" in two places, inserted "testimony and," and deleted "and be heard" following "evidence"; in subsection (b), in the first sentence, substituted "may" for "shall have the power to," deleted "to" preceding "compel," and deleted "form of" following "or other," divided the former second sentence into the present second and third sentences, in the second sentence deleted "form of" following "or other," substituted "a hearing" for "such hearing," substituted "the person" for "such person," and substituted "the hearing" for "such hearing," in the third sentence substituted "the act" for "such act," inserted "of contempt," substituted "contempt as though" for "same as though," and substituted "the judge" for "him," and deleted "form of" preceding "documentation" in the last sentence; in subsection (c), in the first sentence, deleted "time and place fixed for the" preceding "hearing," inserted "accused," deleted "against whom charges are preferred" following "person," and substituted "except" for "provided," and in the second sentence deleted "the provisions of" following "violated," and substituted "may" for "shall immediately"; and substituted "in this subsection" for "herein" in subsection (d).

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 700-X-3-.01 et seq., Board of Physical Therapy; Professional Conduct.

18 Ala. Admin. Code 700-X-4-.01 et seq., Board of Physical Therapy; Disciplinary Actions.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒11.3.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers § 43.

§ 34-24-195. Physical Therapist Fund. [AL ST SEC 34-24-195]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

All fees collected by the board shall be paid into the State Treasury and credited to a special fund designated as the "Physical Therapist Fund." There is hereby appropriated to the board all funds appropriated, or otherwise made available, to said board by the Legislature of Alabama, the Congress of the United States or by any other source for the purpose of carrying out this article, and the board shall have power to direct the disbursement of all money collected hereunder. All expenditures authorized shall be paid for out of said fund on vouchers certified by the chairman of the board.

(Acts 1965, No. 476, p. 686, § 14.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-24-196. Penalties. [AL ST SEC 34-24-196]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) Each violation of Section 34-24-210 shall be punishable by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment for not less than 30 days nor more than 90 days, or both.

(b) Any person who knowingly makes a false statement in his application for registration or license under this article or in response to any inquiry by the board shall be fined not less than \$100.00 nor more than \$500.00 or by imprisonment for not less than 30 days nor more than 90 days, or both.

(Acts 1965, No. 476, p. 686, § 15; Acts 1969, No. 622, p. 1128, § 13.)

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 700-X-4-.01 et seq., Board of Physical Therapy; Disciplinary Actions.

DIVISION 2. REGISTRATION AND LICENSES.

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 700-X-2-.01 et seq., Board of Physical Therapy; Licensure.

§ 34-24-210. Required. [AL ST SEC 34-24-210]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) *Registration required.* No person shall practice nor hold himself out to be able to practice physical therapy in this state unless he is registered in accordance with the provisions of this article.

(b) *License required.* No person shall act nor hold himself out as being able to act as a physical therapist assistant unless he is licensed in accordance with the provisions of this article.

(c) *Other healing arts not affected.* Nothing in this article shall prohibit any person licensed to practice any other of the healing arts in this state under any other law from engaging in the practice for which he is licensed.

(Acts 1965, No. 476, p. 686, § 3; Acts 1969, No. 622, p. 1128, § 2; Acts 1982, No. 82-189, p. 218, § 4.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1), 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11-15, 18, 28.

§ 34-24-211. Application; fee. [AL ST SEC 34-24-211]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

An applicant for registration as a physical therapist or for a license as a physical therapist assistant shall file a written application on forms provided by the board together with fee as set by the board, no part of which will be returned. The applicant shall present evidence satisfactory to the board that he is of good moral character and that he has completed a program of physical therapy education appropriate for training a physical therapist or a physical therapist assistant, as

the case may be, approved by the board or a nationally recognized accrediting agency.
(Acts 1965, No. 476, p. 686, § 6; Acts 1969, No. 622, p. 1128, § 5; Acts 1982, No. 82-189, p. 218, § 4.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-24-212. Examinations. [AL ST SEC 34-24-212]

Current through End of 2003 Organizational, Regular and 1st Special Session.

[References](#)

(a) *Generally.* The board shall give an appropriate examination to every applicant who complies with Section 34-24-211 and who pays the fee prescribed for the examination. Examinations shall be held within the state at least once each year, at such times and places as the board determines. A practical or demonstration examination may be required at the discretion of the board when an applicant is retaking a written examination after previously having failed such an examination.

(b) *Physical therapist.* The examination given applicants for registration as a physical therapist shall be a written examination, approved by the board. Such examination shall test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures and such other subjects as the board may deem useful to test the applicant's fitness to practice physical therapy. A practical or demonstration examination may be required if so determined by the board.

(c) *Physical therapist assistant.* The examination given applicants for licensing as physical therapist assistant will be a written examination, approved by the board. Such examination shall test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures, and such other subjects as the board may deem useful to test the applicant's fitness to act as a physical therapist assistant. A practical or demonstration examination may be required if so determined by the board.

(d) *Foreign trained physical therapist.* Any foreign trained physical therapist who plans to practice in the state must have their educational credentials evaluated by a recognized educational evaluation agency and have that agency send their report directly to the board. The board will determine the acceptability of equivalency in educational preparation. If the board rules the education to be acceptable the routine application process will be followed.

(Acts 1965, No. 476, p. 686, § 7; Acts 1969, No. 622, p. 1128, § 6; Acts 1982, No. 82-189, p. 218, § 4.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-24-213. Issuance of license -- Applicants passing examination. [AL ST SEC 34-24-213]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

The board shall issue a license to each applicant who passes the appropriate examination for registration as a physical therapist or licensing as a physical therapist assistant in accordance with standards fixed by it and who is not disqualified to receive a license under the provisions of Section 34-24-217.

(Acts 1965, No. 476, p. 686, § 8; Acts 1969, No. 622, p. 1128, § 7; Acts 1982, No. 82-189, p. 218, § 4.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-24-214. Issuance of license -- Without examination. [AL ST SEC 34-24-214]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

On payment to the board of a fee set by the board and the submission of a written application on forms provided by the board, the board shall issue a license without examination to:

(1) A person who is qualified within the meaning of this article as a physical therapist by another state of the United States of America, its possessions or the District of Columbia, if the requirements for licensing or registration in such state, possession or district were at the date of his licensing or registration by such state substantially equal to the requirement for the initial licensing of persons practicing physical therapy when this article became effective, August 20, 1965, or for licensing by examination prepared by the professional examining service as set forth in the article and any additional requirements prescribed by the board.

(2) A person who is qualified within the meaning of this article as a physical therapist assistant by another state of the United States of America, its possessions or the District of Columbia, if the requirements for licensing in such state, possession or district were at the date of his licensing by such state substantially equal to the requirements set forth in this article.

(Acts 1965, No. 476, p. 686, § 9; Acts 1966, Ex. Sess., No. 238, p. 360, § 1; Acts 1969, No. 622, p.

1128, § 8; Acts 1982, No. 82-189, p. 218, § 4.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-24-215. Temporary licenses. [AL ST SEC 34-24-215]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) On payment to the board of a fee set by the board, and on submission of a written application on forms provided by the board, the applicant shall be issued without examination a temporary license to practice physical therapy or to act as a physical therapist assistant in this state for a period not to exceed one year, if said person meets the qualifications set forth in Section 34-24-211 and submits evidence satisfactory to the board that he is in this state on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project. Such special projects may be research and education programs. Each request will be judged by the board on its individual merits.

(b) Upon the submission of a written application on forms provided by the board, a person who has applied for a license under the provisions of Section 34-24-211 and who is, in the judgment of the board, eligible to take the examination provided for in Section 34-24-212, may be issued a temporary license by the board. Such temporary license shall be available to an applicant only with respect to his first application for a license under Section 34-24-211, and such license shall expire when the board makes a determination with respect to said application.

(Acts 1965, No. 476, p. 686, § 10; Acts 1969, No. 622, p. 1128, § 9; Acts 1982, No. 82-189, p. 218, § 4; Acts 1985, No. 85-334, p. 268, § 3.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-24-216. Renewal of license; continuing education. [AL ST SEC 34-24-216]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) All licenses issued by the board to physical therapists and physical therapist assistants shall expire on the first day of October of the year next succeeding the issuance thereof. A license may be renewed on the payment, on or before November first of each year, to the board of a fee set by the board. A license which has expired may, within five years of its expiration date, be renewed on the payment to the board of a fee set by the board for each year or part thereof during which the license was ineffective and the payment of a restoration fee set by the board. After said five-year period, a license may be obtained only by complying with the provisions hereinabove relating to the issuance of an original license.

(b) The board shall adopt a program of continuing education for its licensees not later than October 1, 1991. After such date, successful completion of the annual continuing education program shall be a requisite for the renewal of licenses issued pursuant to this chapter.

(c) Provided, however, under the provisions of this chapter, continuing education shall not result in a passing or failing grade.

(Acts 1965, No. 476, p. 686, § 12; Acts 1969, No. 622, p. 1128, § 11; Acts 1982, No. 82-189, p. 218, § 4; Acts 1989, No. 89-232, p. 284, §§ 3, 4.)

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 700-X-2-.01, Board of Physical Therapy; Licensure: Appropriate Education Required.

18 Ala. Admin. Code 700-X-2-.09, Board of Physical Therapy; Licensure: Renewal of License.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(2).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24.

§ 34-24-217. Grounds for refusal, suspension or revocation of license. [AL ST SEC 34-24-217]

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

The board shall refuse to issue a license to any person and, after notice and hearing in accordance with its regulations and rules, shall suspend or revoke the license of any person who has:

(1) Practiced physical therapy other than upon the referral of a physician licensed to practice medicine or surgery, and a dentist licensed to practice dentistry; or practiced as a physical therapist assistant other than under the direction of a registered physical therapist;

(2) Used drugs or intoxicating liquors to an extent which affects his professional competency;

(3) Been convicted of a felony or of a crime involving moral turpitude;

(4) Obtained or attempted to obtain a license by fraud or deception;

(5) Been grossly negligent in the practice of physical therapy or in acting as a physical therapist assistant;

- (6) Been adjudged mentally incompetent by a court of competent jurisdiction;
 - (7) Been guilty of conduct unbecoming a person registered as a physical therapist or licensed as a physical therapist assistant or of conduct detrimental to the best interest of the public;
 - (8) Been convicted of violating any state or federal narcotic law;
 - (9) Treated or undertaken to treat human ailments otherwise than by physical therapy as defined in this article;
 - (10) Advertised unethically according to standards as set by the board; or
 - (11) Failed or refused to obey any lawful order or regulation of the board.
- (Acts 1965, No. 476, p. 686, § 12; Acts 1969, No. 622, p. 1128, § 11; Acts 1982, No. 82-189, p. 218, § 4.)

REFERENCES

ADMINISTRATIVE CODE

18 Ala. Admin. Code 700-X-3-.01 et seq., Board of Physical Therapy; Professional Conduct.
18 Ala. Admin. Code 700-X-4-.01 et seq., Board of Physical Therapy; Disciplinary Actions.

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒ 11.2.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers § 38-42.

Board Members



*Kathryn Brown
Executive Director*


**STATE OF ALABAMA
BOARD OF PHYSICAL THERAPY**
100 NORTH UNION STREET SUITE 627
MONTGOMERY, AL 36130-5040

Email: kbrown@pt.state.al.us or swright@pt.state.al.us

*Phone: (334) 242-4064
(334) 242-3603
(888) 726-9743
Fax: (334) 240-3288*

May 12, 2004

MEMORANDUM

TO: Calvin Cooper
FROM: Kathryn Brown 
RE: Current Board Members

Attached is a list of current board members as of May 12, 2004, with mailing addresses and expiration of terms.

/kb

Enclosure

ALABAMA BOARD OF PHYSICAL THERAPY

<u>CURRENT MEMBERS</u>	<u>TERM EFFECTIVE</u>	<u>TERM EXPIRES</u>
Sonja K. Farrell, PT, Member 1 Hospital Drive, Medical Pavilion, Suite 201 Huntsville, AL 35801 TELE: 256/880-4159 (wk) FAX: 256/880-4282 E-MAIL: Sonja.Farrell@triadhospitals.com	01/12/00	10/06/04
Herbert R. Caillouet, PT, Member 2816 Downing Circle Birmingham, AL 35242 TELE: 205/620-8167 (wk) FAX: 205/620-7943 E-MAIL: herb.caillouet@bhsala.com	10/06/00	10/06/05
John K. Cormier, PT, <u>Chair</u> 2518 19 th Street, East Tuscaloosa, AL 35404-4907 TELE: 205/345-4441 (wk) FAX: 205/758-8880 E-MAIL: aptor2@dbtech.net	12/04/01	10/06/06
Ron Bass, Consumer Member P. O. Box 306 Wedowee, AL 36278 TELE: 256/357-0417 E-MAIL: rgolden1999@yahoo.com	10/06/02	10/06/06
Wiley J. Christian, III, PT, <u>Secretary</u> 6657 Sugar Creek Drive, South Mobile, AL 36695 TELE: 251/340-0688 (wk) FAX: 251/340-0850 E-MAIL: wchristian@springhill.org	10/06/02	10/06/07
Amy Hall Smith, PTA, <u>Treasurer</u> 709 Dale Avenue, NW Cullman, AL 35055 TELE: 256/734-5900 FAX: 256/734-5900 E-MAIL: asmithpta@aol.com	10/06/02	10/06/07
Mitzi Watson, PTA, Member 447 County Road 15 Headland, AL 36345 TELE: 334/673-7282 FAX: 334/673-7283 E-MAIL: pt4women@hotmail.com	12/08/03	10/06/08